

# Expert Report I: U.S. v. TSARNAEV

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My full name is Evan Francois Kohlmann. I am a private International Terrorism Consultant who specializes in tracking Al-Qaida and other contemporary terrorist movements. I hold a degree in International Politics from the Edmund A. Walsh School of Foreign Service (Georgetown University), and a Juris Doctor (professional law degree) from the University of Pennsylvania Law School. I am also the recipient of a certificate in Islamic studies from the Prince Alwaleed bin Talal Center for Muslim-Christian Understanding (CMCU) at Georgetown University. I currently work as a senior partner at Flashpoint Global Partners, a New York-based security consulting firm. I additionally serve as an on-air analyst for NBC News in the United States. I am author of the book Al-Qaida's Jihad in Europe: the Afghan-Bosnian Network (Berg/Oxford International Press, London, 2004) which has been used as a teaching text in graduate-level terrorism courses offered at such educational institutions as Harvard University's Kennedy School of Government, Princeton University, and the Johns Hopkins School of Advanced International Studies (SAIS).

As part of my research beginning in approximately 1997, I have traveled overseas to interview known terrorist recruiters and organizers (such as Abu Hamza al-Masri) and to attend underground conferences and rallies; I have reviewed thousands of open source documents; and, I have amassed one of the largest digital collections of terrorist multimedia and propaganda in the world. The open source documents in my collection include sworn legal affidavits, original court exhibits, video and audio recordings, text communiqués, eyewitness testimonies, and archived Internet websites. I have also personally developed computer software and database applications in PHP/MYSQL format designed to draw out this data and provide statistical trends and models to human analysts. I have testified on eleven occasions as an expert witness in jurisdictions beyond the United States—including the United Kingdom, Denmark, Australia, and Bosnia-Herzegovina. I have testified twice as an expert witness in U.S. civil cases, Gates v. Syrian Arab Republic and Amduso v. Sudan before the U.S. District Court for the District of Columbia. I have additionally testified as an approved expert witness in United States federal and military courts in thirty criminal cases; including:

- United States v. Sabri Benkhala (Eastern District of Virginia, 2004)
- United States v. Ali Timimi (Eastern District of Virginia, 2005)
- United States v. Uzair Paracha (Southern District of New York, 2005)
- United States v. Ali Asad Chandia (Eastern District of Virginia, 2006)
- United States v. Yassin Aref (Northern District of New York, 2006)
- United States v. Sabri Benkhala (Eastern District of Virginia, 2007)
- United States v. Rafiq Sabir (Southern District of New York, 2007)

- United States v. Emadeddine Muntasser (District of Massachusetts, 2007)
- United States v. Hassan Abu Jihaad (District of Connecticut, 2008)
- United States v. Mohammed Amawi et al. (Northern District of Ohio, 2008)
- United States v. Salim Hamdan (Guantanamo Bay Military Commissions, 2008)
- United States v. Ali Hamza al-Bahlul (Guantanamo Bay Military Commissions, 2008)
- United States v. Mohamed Shnewer et al. (District of New Jersey, 2008)
- United States v. Oussama Kassir (Southern District of New York, 2009)
- United States v. Syed Haris Ahmed (Northern District of Georgia, 2009)
- United States v. Ehsanul Sadequee (Northern District of Georgia, 2009)
- United States v. Pete Seda et al. (District of Oregon, 2010)
- United States v. Betim Kaziu (Eastern District of New York, 2011)
- United States v. Daniel Boyd et al. (Eastern District of North Carolina, 2011)
- United States v. Barry Walter Bujol Jr. (Southern District of Texas, 2011)
- United States v. Tarek Mehanna et al. (District of Massachusetts, 2011)
- United States v. Patrick Nayyar (Southern District of New York, 2012)
- United States v. Adis Medunjanin (Eastern District of New York, 2012)
- United States v. Anes Subasic (Eastern District of North Carolina, 2012)
- United States v. Mohammed Nisar Khan (Western District of Texas, 2012)
- United States v. Mohamed Mohamud (District of Oregon, 2013)
- United States v. Abdel Hameed Shehadeh (Eastern District of New York, 2013)
- United States v. Sulaiman Abu Ghaith (Southern District of New York, 2014)
- United States v. Mustafa Kamel (Southern District of New York, 2014)
- United States v. Sami Osmakac (Middle District of Florida, 2014)

In United States v. Uzair Paracha, Federal District Judge Sidney Stein held a Daubert hearing on my qualifications as an expert witness and issued a ruling concluding: “Evan Kohlmann has sufficient education, training, and knowledge to be qualified as an expert, and... Kohlmann’s methodology—that is, his process of gathering sources, including a variety of original and secondary sources, cross-checking sources against each other, and subjecting his opinions and conclusions to peer review—is sufficiently reliable to meet the standards for admissibility of expert testimony set by the Federal Rules of Evidence.”

Likewise, in United States v. Hassan Abu Jihaad, Federal District Judge Mark Kravitz held a Daubert hearing on my qualifications as an expert witness and issued a ruling concluding, “Mr. Kohlmann is certainly qualified to provide expert testimony... Mr. Kohlmann is qualified by means of his education, training, background, and experience to testify as an expert on terrorism... Mr. Kohlmann has conducted first-hand interviews of several leaders of terrorist organizations and has reviewed reams of information about al Qaeda... and the other subjects on which he will offer testimony. Indeed... it is apparent that these subjects are Mr. Kohlmann’s life work, and he has, therefore, acquired a considerable amount of information and documentation on these subjects... Mr. Kohlmann’s work receives a considerable amount of peer review from academic scholars and others, and by all accounts, Mr. Kohlmann’s work is well regarded.”

Similarly, during United States v. Syed Haris Ahmed, Federal District Judge William S. Duffey Jr. held a Daubert hearing on my qualifications as an expert witness, and noted in his published ruling, “Kohlmann has developed an understanding of terrorist organization structures, operations, and membership, allowing him to speak with authority about Al-Qaeda in Iraq, Lashkar-e-Taiba, and Jaish-e-Mohammed. His research and experience have provided him a base of understanding far greater, and far more sophisticated, than of the Court or of jurors... A person lacking Kohlmann's advanced knowledge of JeM and LeT essentially would not be able to recognize the information on Khan's hard drive as information that might link a person to JeM or LeT.”

On February 4, 2011, the U.S. 2<sup>nd</sup> Circuit Court of Appeals issued a formal ruling regarding the admissibility of my testimony during United States v. Rafiq Sabir (2007): “Kohlmann has, in fact, been qualified as an expert on al Qaeda and terrorism in a number of federal prosecutions... Kohlmann's proposed expert testimony had a considerable factual basis... We conclude that the district court acted well within its discretion in concluding that Kohlmann's testimony satisfied the enumerated requirements of Rule 702... Such testimony was plainly relevant to mens rea.”

Most recently, on February 4, 2014, the U.S. 4<sup>th</sup> Circuit Court of Appeals published a ruling addressing the admissibility of my expert testimony in United States v. Hassan, Yaghi, et al (2012):

“The court heard and considered testimony about Kohlmann's credentials and techniques and was convinced that he possessed ‘the requisite knowledge, skill, experience, training, and education to testify on various aspects of the trend of decentralized terrorism and homegrown terrorism.’ In so ruling, the court gave particular attention to the Daubert factors, including thorough assessments of whether Kohlmann's methods were subject to peer review, his ‘consultation with others in the field,’ and ‘whether or not his research findings [were] based in a sound methodology’... The court did not err in deciding that Kohlmann's testimony was reliable as well as relevant to the issues to be presented. Notably, we have previously approved of Kohlmann's expertise in terrorism matters, ruling that his testimony would ‘assist the trier of fact to understand the evidence or to determine a fact in issue.’”

In May 2014, the U.S. Attorney's Office for the District of Massachusetts provided me with a collection of evidence in relation to the case U.S. v. Tsarnaev—including preserved copies of computer hard drives, extracted content from those drives and other digital media seized during the investigation, forensic reviews of digital media performed by FBI cart analysts, and other relevant physical evidence (specifically, a transcript of a note that I understand was written by the defendant shortly before his arrest). I was asked by the U.S. Attorney's Office to review the contents therein, and thereupon further requested to produce a comprehensive report based upon my skills, training, knowledge, and experience offering an expert assessment of the significance of those materials.

## **I.) THE DECENTRALIZATION OF AL-QAIDA**

For almost a decade between 1991 and 2001, Saudi exile Usama Bin Laden worked tirelessly to build the alliance of jihadi organizations that became known as Al-



Qaida from its very foundations. Much of his efforts were often expended on consolidating leadership, training, and financial assets that had previously been divvied up amongst a variety of different sub-entities. According to founding Al-Qaida Shura Council member Mamdouh Mahmud Salim (a.k.a. Abu Hajar al-Iraqi), “Abu Abdullah [Bin Laden] had tendency to favor a policy of centralization... and felt obligated to assemble the Arabs in one location, train and prepare them to be a single mobilized fighting brigade.”<sup>1</sup>

However, Bin Laden had apparently overestimated the importance of group centralization, neglecting the benefits afforded to him by Al-Qaida’s loose, amalgamated infrastructure. Already by the late 1980s, those around Bin Laden warned him that their attempts to create strict administration and hierarchy within the mujahideen were ending in disaster. Mamdouh Salim—appointed by Bin Laden to assist him in the regimentation of the Arabs in Afghanistan—admitted in mujahideen memoirs, “we tried our best to correct the brothers, but I should admit that... I was mistaken about the task of management. I thought of people what I had read about them in books—if you were to say to someone, ‘Fear Allah’, then that’s fine, he would fear Allah! ...I believed that just like I could flip a switch to make a light turn on and off, I could also similarly handle people!”<sup>2</sup>

Bin Laden also failed to fully grasp how the relative “openness” of his movement and the perceived lack of hierarchy appealed to young jihadist recruits. In the world of Al-Qaida and the Arab-Afghan mujahideen, even the most junior of operatives could potentially gain high status within the organization by either demonstrating useful skills, or else by volunteering to sacrifice themselves on behalf of the mission. In other words, Al-Qaida offered an equal opportunity at fame and recognition to nearly any sympathetic soul willing to risk death or imprisonment. When agents from the U.S. Federal Bureau of Investigation (FBI) apprehended a junior Al-Qaida operative who helped build the suicide truck bombs used to attack two U.S. embassies in East Africa in 1998, he boasted of his own role in the plot and explained that he “was attracted to Usama Bin Ladin and the group Al Qaeda because it did not matter what nationality you were” and because Al Qaeda members did not explicitly follow “orders from a chain of command” in the same way as more traditional terrorist organizations.<sup>3</sup>

Faced with a resounding defeat on the peaks of Tora Bora on the Afghan-Pakistani border, a group of high-ranking Al-Qaida commanders decided to re-think the jihadi military campaign against the West. In 2002 and 2003, this shift in strategy became noticeable following a series of dramatic kamikaze bombing attacks targeting Westerners in a host of countries, from Indonesia to Morocco. Al-Qaida’s then-official website—the Al-Neda Center for Islamic Studies and Research—published a landmark book by an Al-Qaida leader in Saudi Arabia named Shaykh Yusuf al-Uyayri acknowledging that these attacks marked a new phase in evolution for Al-Qaida. According to al-Uyayri, “the Al-Qaida Organization has adopted a strategy in its war

<sup>1</sup> Muhammad, Basil. Al-Ansaru l’Arab fi Afghanistan. The Committee for Islamic Benevolence Publications; ©1991. Page 199.

<sup>2</sup> Muhammad, Basil. Al-Ansaru l’Arab fi Afghanistan. The Committee for Islamic Benevolence Publications; ©1991. Page 196.

<sup>3</sup> Government Exhibit GX-6 (Interview of Mohammed Sadiq Odeh by FBI Agent John Anticev). U.S. v. Usama Bin Laden, et al. S(7) 98 Cr. 1023 (LBS). United States District Court, Southern District of New York.

with the Americans based on expanding the battlefield and exhausting the enemy, who spread his interests over the globe, with successive and varied blows... Expanding the battlefield has invaluable benefits. The enemy, who needed to protect his country only, realized that he needed to protect his huge interests in every country. The more diversified and distant the areas in which operations take place, the more exhausting it becomes for the enemy, the more he needs to stretch his resources, and the more he becomes terrified.”<sup>4</sup>

In the wake of 9/11, prominent jihad recruiters in Europe who had previously encouraged others to travel to mujahideen training camps in Afghanistan, Bosnia-Herzegovina, and Chechnya began shifting the direction of their message—and placing emphasis on the individual nature and responsibility of jihad. Even notorious camps in Pakistan run by second-tier jihadi terrorist groups like Lashkar-e-Taiba (LET) became increasingly inaccessible to outsiders due to the prospect of infiltration by hostile intelligence agents. At a conference in the United Kingdom in October 2002, hook-handed Egyptian cleric Abu Hamza al-Masri admonished his audience, “We need to resist, we need to fight, even alone. And you can’t go now to learn in Afghanistan or Eritrea as before. Now, a war zone is a war zone. There is no need for camping, there is no facilities for camping... A lot of the skills you need for the frontline, you can learn from here... Where are you? What can you do in your area?”<sup>5</sup> The leader of the Al-Muhajiroun movement in the U.K. Shaykh Omar Bakri Mohammed echoed these same comments and added, “the Ummah [should] know it is obligatory upon them to engage in... preparation and to engage in the jihad. And each one must find their own way. There is no need yourself to contact somebody here or there. You find your own way! Sincerely, you will get it. You do not want to put someone else in trouble. You, look for yourself! ...Seek it! You will get it!”<sup>6</sup> According to deceased senior Al-Qaida commander Atiyallah al-Liby, the advantage of such a strategy is that “collective organized work is not affected by the loss of individuals, because individuals are easily replaced with others. The organization exists not on any individual; rather it operates as number of distributed responsibilities where the loss of individuals is redundant. This is one of the secrets of the effectiveness of Al-Qaida and their success in group operations.”<sup>7</sup>

On June 2, 2011, the official media wing of Al-Qaida’s central leadership in Pakistan and Afghanistan released a new video titled, “You Are Held Responsible Only for Thyself.”<sup>8</sup> This video represented arguably the first official full-throated public endorsement by Al-Qaida’s top commanders of a military strategy based on self-selection and indirect radicalization. According to a clip in the video featuring “martyred” Al-

<sup>4</sup> Al-Neda Center for Islamic Studies and Research. “The Operation of 11 Rabi al-Awwal: The East Riyadh Operation and Our War With the United States and its Agents.” August 2003. Translated into English by the United States Foreign Broadcast Information Service (FBIS).

<sup>5</sup> Speech given at “Iraq Today Mecca Tomorrow.” National Conference held in Leicester, United Kingdom; organized by Al-Muhajiroun, P.O. Box 349 London N9 7RR. October 27, 2002.

<sup>6</sup> Speech given at “Iraq Today Mecca Tomorrow.” National Conference held in Leicester, United Kingdom; organized by Al-Muhajiroun, P.O. Box 349 London N9 7RR. October 27, 2002.

<sup>7</sup> Atiyatullah, Louis. “The Badr Al-Riyadh Tape: A Well Organized Al-Qaida’s Media Strategy Revealed.” The Global Islamic Media Centre (GIM). 2004. Page 2.

<sup>8</sup> As-Sahab Media Foundation. “You Are Held Responsible Only for Thyself.” <http://www.shamikh1.info/vb/showthread.php?t=112742>. June 2, 2011.



Qaida leader Abu Yahya al-Liby, “the individual jihad means that one person, or a small cell of individual Mujahideen, would carry out a military operation in accordance with the Sharia limitations; aggression against the enemy and exclusion of Muslims [casualties]—according to the conditions.” Abu Yahya insisted that “individual jihad” operations were “not a new matter or suggestion or a new invented act. Individual jihad was practiced during the time of the prophet—prayer and peace upon him.” The Al-Qaida video endorsed a number of examples, such as the “hero Sayyid Nosair” who assassinated Jewish radical Meir Kahane in New York, “the hero Ramzi Yousef” who “led the first Manhattan battle targeting the... World Trade Center”, “the lion Muhammad Bouyeri” who murdered Dutch director Theo Van Gogh, and “the heroic knight Nidal Malek Hasan” who “killed and injured tens of Crusader soldiers” at Fort Hood in 2009. The video’s narrator emphasizes the importance of such operations in “widening the confrontation zone” to target a wide array of “enemy interests, whether on his land or the Muslims’ lands.”<sup>9</sup>

The Al-Qaida video “You Are Held Responsible Only for Thyself” also featured Shaykh Atiyallah al-Liby responding to the question of how homegrown extremists “can make their operations harmonious with the goals of global jihad.” Al-Liby explained:

“The general advice is: he who can communicate with the mujahideen leadership, and who knows from them what they want and should be done and who offers them what he has of ideas and plans and information and such; this is better. But because the current conditions of war and the circumstances don’t allow many people and mujahideen and jihad-seekers to do that, what is needed is: understanding, understanding, then dependence on Allah... The matter is only dependent on two things: good understanding and awareness, and an honest determination and will.”<sup>10</sup>

According to the video, this advice from Al-Qaida’s top leaders was especially aimed at “youths of Islam in the West” capable of “carrying out a jihadist act against the enemy in his homeland.” Abu Yahya al-Liby was shown admonishing his audience:

“He who carries out an individual operation, whether in America, Britain, France or other countries that fight Muslims and attack them openly; he must feel that he is participating with his Mujahideen brothers in his Jihad. And the importance of his work—if he masters it and does it well—is not less important than the acts they [Mujahideen] engage in the open battlefields. Even, one operation in the heart of the infidels home, carried out by one individual, such operation would be heavy and definite and [with good] choice of targets, in which its benefit toward Islam and Muslims are much more than tens of other military operations in the battlefields.”<sup>11</sup>

As for specific targets, the Al-Qaida video appealed for “Muslim youths in the infidel countries of the West” to “focus on destroying their economy by targeting the institutions that shape its economic joints”, as well as “targeting influential public figures in the

<sup>9</sup> As-Sahab Media Foundation. “You Are Held Responsible Only for Thyself.” <http://www.shamikh1.info/vb/showthread.php?t=112742>. June 2, 2011.

<sup>10</sup> As-Sahab Media Foundation. “You Are Held Responsible Only for Thyself.” <http://www.shamikh1.info/vb/showthread.php?t=112742>. June 2, 2011.

<sup>11</sup> As-Sahab Media Foundation. “You Are Held Responsible Only for Thyself.” <http://www.shamikh1.info/vb/showthread.php?t=112742>. June 2, 2011.

Crusader and Zionist government, industry, and media.”<sup>12</sup> In doing so, sympathetic individuals living in Western countries were reassured that they would, by proxy, fulfill their duty to support their oppressed brethren in Palestine, Afghanistan/Pakistan, Yemen, Syria, and other popular contemporary jihadi conflicts.

## II.) THE GLOBAL SALAFI-JIHADI MOVEMENT, ITS BELIEF SYSTEM, AND LEADERSHIP

The computer evidence provided to me in the present case contains materials relevant to a radical sectarian ideology practiced by adherents of the “Salafi-Jihadi” community. This is an exceptionally narrow sub-sect of Sunni Islam which preaches the adoption of violent methods as a necessary precondition to establish a utopian society built according to the strictly-interpreted conditions present in the early days of the Muslim faith in the Arabian Peninsula. Anyone who stands in the way of the creation of such a society—even fellow Sunnis—are regarded as “deviants” and “infidels” who are considered as a valid target for physical violence. This includes those who would ordinarily be categorized as non-combatants, including competing Muslim clerics, women, and children. Occasionally, this sectarian view is also known as “Takfiri”, a reference to the practice of unilaterally excommunicating other Muslims (a practice which among most believers in Islam is highly discouraged). Thus, while the Muslim Brotherhood is arguably the largest transnational conservative Islamist movement in the world, it is nonetheless reviled by hardline Salafi-jihadists because it has adopted democratic elections as a means to achieve political power. Supporters of violent jihad believe that if they are killed while engaged in the fight, they will be rewarded as “martyrs” and will receive a special place in “jannat ul-firdaws” (the highest level of paradise). Western nations, particularly the United States, are targeted by Salafi-jihadists as modern day “crusaders” for their role in backing secular regimes in the Muslim world, for their support of Israel, and for various other perceived slights or insults to Islam and Muslims.

The transcript provided to me by the U.S. Attorney’s Office of a note that I understand to have been written by the defendant shortly before his arrest is strongly reminiscent of key themes and language from the Salafi-jihadi movement. In the note, the defendant wrote, “the ummah is beginning to rise/awa[bullethole] has awoken the mujahideen, know you are fighting men who look into the barrel of your gun and see heaven, now how can you compete with that... I don’t like killing innocent people it is forbidden[sic] in Islam but due to said [bullethole] it is allowed.”<sup>13</sup> The Arabic word “mujahideen”, meaning “holy warriors”, is a reference to those who are fighting for armed jihadi organizations around the world. In the note, the defendant also appears to make reference to his belief that contemporary jihad is fard al-ayn (a key, distinctive belief of Salafi-jihadists), meaning that the duty of participating in jihad is personally obligatory upon all Muslims regardless of where they live (“I can’t stand to see such evil go unpunished... you hurt one you hurt us all”).

<sup>12</sup> As-Sahab Media Foundation. “You Are Held Responsible Only for Thyself.” <http://www.shamikh1.info/vb/showthread.php?t=112742>. June 2, 2011.

<sup>13</sup> Note.in.boat.transcription.pdf

Among the most prominent voices for the global Salafi-jihadi movement include the following:

- **Shaykh Abdullah Azzam**

Shaykh Abdullah Azzam was a Palestinian cleric killed in a car bombing in Peshawar, Pakistan 1989 and is often credited as the “godfather” of the contemporary Salafi jihadi movement. During the 1970s, while teaching in Saudi Arabia, Azzam became utterly convinced that the Islamic world was under siege by its enemies; he declared his new personal philosophy to be “jihad and the rifle alone: no negotiations, no conferences, and no dialogues.”<sup>14</sup> For Azzam, the Soviet invasion of Afghanistan in 1979 was the fulfillment of divine prophecy. The scattered Islamic resistance there faced a superpower opponent with a seemingly insurmountable supply of ammunition and men. With his message of religious confrontation, Azzam quickly traveled to Peshawar to offer his services to the mujahideen.

Azzam’s fervor on the idea of jihad only grew as he witnessed the bloody warfare waged in the mountains of Afghanistan. He quickly developed his own independent mission in Peshawar. Ultimately, Azzam sought not only to evict the Russian armies from Afghanistan, but moreover, to subsequently remove all “infidel” and “apostate” regimes and to reestablish the rule of a greater Islamic empire. He planned to use the jihad in Afghanistan to recruit and train Muslim guerilla fighters from across the Middle East and South Asia. The first of these Arab fighters stayed in Azzam’s “guest house” in Peshawar, which by the mid-1980’s had become Makhtab-e-Khidamat Al-Mujahideen (MAK), the “Mujahideen Services Office.”<sup>15</sup>

Azzam’s militancy was a magnet for other would-be revolutionaries—including a young and wealthy student of his, an anonymous upstart from a powerful and well-connected Saudi family named Usama bin Muhammad Bin Laden. At his last public press conference before his death, Azzam spoke of the key role Bin Laden was playing in the growing Arab-Afghan movement:

“He came himself, with his wealth, in the way of Allah, and he is paying for [mujahideen] tickets and looking after their families, paying for their rent and their transport, and their sustenance inside Afghanistan. He is in the frontline, where the fighting is... One hundred Arabs have given their lives for Allah. What have they come for? Someone like Usama Bin Ladin... and others from leading families in Saudi Arabia... [who] have come in search of paradise. They believe that there is a God and that there is a paradise, and that life is cheap.”<sup>16</sup>

According to a 2011 article published in Al-Qaida in the Arabian Peninsula’s English-language “Inspire” Magazine, Azzam’s “revival” of violent jihad “brought countless of thousands of foreign fighters to Afghanistan to support their Afghan brethren against the

<sup>14</sup> “Sheikh Abdullah Azzam.” Azzam Publications; London, UK.

<http://www.azzam.com/html/storiesabdullahazzam.htm>.

<sup>15</sup> Muhammad, Basil. *Al-Ansar u l’Arab fi Afghanistan*. The Committee for Islamic Benevolence Publications; ©1991. Page 112.

<sup>16</sup> Videotape of the last press conference of Shaykh Abdallah Azzam.



Soviets. He really was the sole reason for the institution of what we now know as the global jihad.”<sup>17</sup>

AQAP’s “Inspire” paid particular tribute to Azzam’s “most famous” fatwah published under the title “Defence of the Muslim Lands.” According to Al-Qaida, this fatwah ordains that if a local Muslim people are unable to push back an enemy force, “then the obligation spreads in a radius, to the neighboring Muslims. If they too are unable, this radius continues to grow until it becomes individually obligatory from East to West; any Muslim who leaves the obligation when he is able to participate has sinned.”<sup>18</sup> As a result, the fatwah was of “major significance”: “The idea of defending the Muslim lands from the disbelieving occupation forces had taken on a new meaning. It was an idea that paved the way for the al Qaeda Organization.”<sup>19</sup> At least one copy of “Defense of the Muslim Lands” by Abdullah Azzam was recovered from a laptop computer seized from the defendant.<sup>20</sup> A copy of the AQAP “Inspire” Magazine issue celebrating Abdullah Azzam and “Defense of the Muslim Lands” was recovered from the same laptop computer.<sup>21</sup> An additional copy of “Defense of the Muslim Lands” was also found on a desktop computer which I understand the defendant to have accessed.<sup>22</sup>

Separately from “Defense of the Muslim Lands”, Azzam was also responsible for publishing another landmark fatwah on participation in violent jihad, “Join the Caravan.” The title itself refers to the “Caravan of Martyrs” (“Qawafil ash-Shuhadaa”) who have given their blood as “martyrs” in the military service for Islam. A foreword written by Azzam Publications marking the second English-language edition of the fatwah explained:

“Join the Caravan is a translation of the book *Ilhaq bil-Qaafilah* written by Shaheed Sheikh Abdullah Azzam in April 1987 at the peak of the Afghan Jihad. This book was one of the principal inspirations for thousands of Muslims from all over the World to go and fight in Afghanistan to defend Muslim blood, property, and honour... Due to popular demand and the book being sold out, we decided to publish a Second English Edition. Although a part of the book focuses on Afghanistan, most of it is applicable to Jihad in general.”<sup>23</sup>

In his book, Azzam declares that “Jihad today is individually obligatory... by self and wealth, on every Muslim... Allah has not excused anybody to abandon Jihad other than the ill, the cripple, and the blind, as well as children who have not yet reached puberty, women who have no way of emigrating and performing Jihad and those advanced in

<sup>17</sup> Al-Malahem Media. *Inspire Magazine*. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 4. <http://www.shamikh1.net/vb/showthread.php?t=89029>. January 16, 2011.

<sup>18</sup> Al-Malahem Media. *Inspire Magazine*. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 4. <http://www.shamikh1.net/vb/showthread.php?t=89029>. January 16, 2011.

<sup>19</sup> Al-Malahem Media. *Inspire Magazine*. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 4. <http://www.shamikh1.net/vb/showthread.php?t=89029>. January 16, 2011.

<sup>20</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/papka/Defence of Muslim Lands.pdf

<sup>21</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/ye/InspireJanuary2011.pdf

<sup>22</sup> Carved[89375744].Defense.of.Muslim.lands .pdf

<sup>23</sup> “Publishers Foreword.” *Join the Caravan: Second English Edition*. Azzam Publications. BCM UHUD. London WC1N 3XX, U.K. August 2001. Page 5.

years... Anybody else has no excuse before Allah, whether he is a professional, a specialist, an employer, or a great businessman. None of these is excused from performing Jihad personally or permitted to merely contribute materially.”<sup>24</sup> Azzam continues on in “Join the Caravan” by celebrating the “faithful youth,” whose “hearts are burning with a fire, spurting forth enthusiasm, and blazing with zeal that their pure blood may irrigate the earth of the Muslims.”<sup>25</sup> At least two copies of Azzam’s “Join the Caravan” were recovered from a laptop computer and digital media device seized from the defendant.<sup>26</sup> An additional copy of “Join the Caravan” was also found on a desktop computer which I understand the defendant to have accessed.<sup>27</sup>

• **Shaykh Omar Abdel Rahman**

Shaykh Omar Abdel Rahman (a.k.a. “the blind Shaykh”) is an Egyptian cleric and spiritual leader of the Egyptian group Al-Gama’at al-Islamiyya, which has been blacklisted by the U.S. State Department as a Designated Foreign Terrorist Organization (FTO) since 1997. On October 1, 1995, Rahman was convicted in U.S. federal court in the Southern District of New York (SDNY) of thirteen counts of seditious conspiracy for leading plots to assassinate Egyptian President Hosni Mubarak and to bomb a series of New York City landmarks, including the Lincoln and Holland Tunnels, the United Nations, the George Washington Bridge, and the main Federal office building in Manhattan.<sup>28</sup> In an Arabic-language radio broadcast in 1993, Shaykh Omar openly condemned the United States, explaining, “Americans are descendants of apes and pigs who have been feeding from the dining tables of the Zionists, Communism, and colonialism.”<sup>29</sup>

On several occasions, Usama Bin Laden and Al-Qaida have vowed to avenge the conviction and imprisonment of Shaykh Omar. Following the detention of the blind Shaykh in 1993, Al-Qaida turncoat Jamal al-Fadl attended leadership meetings in Khartoum, Sudan with other senior Bin Laden aides. According to al-Fadl, Al-Qaida regarded Shaykh Omar’s arrest as “very sad and... very bad... and we have to do something... They talk about what we have to do against America.”<sup>30</sup> Shortly thereafter, in December 1994, a group of Algerian Islamic militants seized control of an Air France jetliner in Algiers in an unsuccessful, premature bid to suicide-crash it into the Eiffel Tower on Christmas Day. After securing the plane, the would-be hijackers demanded (in exchange for passengers held hostage), “the release of Dr. Omar Abdel Rahman and

<sup>24</sup> Join the Caravan: Second English Edition. Azzam Publications. BCM UHUD. London WC1N 3XX, U.K. August 2001.

<sup>25</sup> Join the Caravan: Second English Edition. Azzam Publications. BCM UHUD. London WC1N 3XX, U.K. August 2001.

<sup>26</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/papka/Join the Caravan.pdf and 1B2734/Kingston Data Travel/C/Join the Caravan.pdf

<sup>27</sup> Join the Caravan.pdf

<sup>28</sup> Fried, Joseph P. “Sheik sentenced to life in prison in bombing plot.” New York Times. January 18, 1996.

<sup>29</sup> Friedman, Robert I. “The CIA and the Sheik.” The Village Voice. March 30, 1993.

<sup>30</sup> United States v. Usama bin Laden, et al. S(7) 98 Cr. 1023 (LBS). United States District Court, Southern District of New York. Trial Transcript, February 6, 2001. Page 296.

[Shaykh] Salman al-Awdah.”<sup>31</sup> Likewise, in September 2000, a new videotape mysteriously surfaced of Bin Laden and other terrorist leaders meeting in Afghanistan. Bin Laden addressed the camera and promised “to work with all our power to free our brother, Sheikh Omar Abdel Rahman, and all our prisoners in America, Egypt, and Riyadh.”<sup>32</sup> Also in attendance at the meeting was Shaykh Omar’s son Asadullah, who vigorously applauded Bin Laden’s words and urged Muslims to “move forward and shed blood.”<sup>33</sup>

The Sony Vaio laptop seized from the defendant in the present case contains an English-language copy of a notorious Salafi text edited by Shaykh Omar Abdel Rahman, titled “In Pursuit of Allah’s Pleasure.”<sup>34</sup> The book includes an entire subsection on “waging jihad in the way of Allah”:

“It saddens us to address the subject of Jihad. Jihad is a great obligation which is dearly beloved to the hearts of the true believers despite the hardships and difficulties it brings... It will also assist them in the Hereafter by taking them to Paradise... fighting is binding upon us to remove the disbelieving rulers who dominate our countries, to restrain the groups of people who surround these rulers, support them and defend their man-made laws, to install a Caliph for all the Muslims, to regain the lands which we have lost and to help release Muslim prisoners... We are undoubtedly obliged to fight Jihad today.”<sup>35</sup>

- **Shaykh Anwar al-Awlaki**

Shaykh Anwar al-Awlaki initially grew to prominence during the late 1990s as a Salafist preacher and activist in the U.S. Following the September 11, 2001 terrorist attacks on the United States, al-Awlaki initially came under suspicion due to his unusual contacts with at least two 9/11 hijackers—Nawaf al-Hazmi and Khalid al-Midhar—while they were living in the U.S. Since his departure from the U.S. in 2003 for Yemen, Anwar al-Awlaki has grown increasingly militant in his philosophy. This has included providing English-interpretations of documents originally published by Al-Qaida’s regional wing in Saudi Arabia—and even appearing in exclusive media releases on behalf of “Al-Qaida in the Arabian Peninsula” (AQAP).<sup>36</sup>

Al-Awlaki is suspected of having assisted in the recruitment and/or radicalization of several recent terrorists of note, including Fort Hood mass shooter Maj. Nidal Malik Hassan and would-be AQAP “Underwear bomber” Umar Farouk Abdulmutallab. Hassan, a former U.S. soldier, has been convicted of carrying out a “lone wolf” massacre of fellow servicemen at the Ft. Hood military base in Texas in November 2009. Prior to the shooting, Hassan contacted Anwar al-Awlaki directly via e-mail to seek his advice on what appropriate action he should take with regards to the concept of “jihad.” On May

<sup>31</sup> American Islamic Group (AIG). “URGENT-Air France Real Story - PART II (What Really Happened) [Malhamat Al-Shahadah].” *Islam Report*. December 31, 1994.

<sup>32</sup> “Bin Laden vows to free Islamist sheikh jailed in US.” *Agence France Presse*. September 22, 2000.

<sup>33</sup> Cooley, John K. “We Will Free Our Brothers.” *ABC News*. September 25, 2000.

<sup>34</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/papka AllahsPleasure.pdf

<sup>35</sup> Ibrahim, Dr. Naajeh et al. “In Pursuit of Allah’s Pleasure.” Edited by Dr. Shaykh Omar Abdel Rahman.

<sup>36</sup> See e.g.: Al-Malahem Media Foundation. “A Premiere and Exclusive Interview with the Islamic Preacher Sheikh Anwar Al-Awlaki.” *Al-Qaida in the Arabian Peninsula (AQAP)*. <http://www.alfaloja.ws/vb/showthread?t=117972>. May 22, 2010.



22, 2010, Al-Qaida in the Arabian Peninsula released an exclusive Arabic-language video interview with al-Awlaki in which he addressed widespread reports concerning his contacts with the accused Ft. Hood shooter:

“Yes, Nidal Hassan is one of my students and that’s an honor for me, I feel honored that the likes of Nidal Hassan are from my students, what he did was a heroic job, a wonderful operation, and we ask Allah, the Almighty to grant him steadfastness and protect him and hasten his release, and I support what he did... I call the Muslims also to take by his way, either they do Jihad by saying or do jihad with the hand, and the example that Nidal Hassan presented is the better example, we ask Allah the Almighty to make it a great opening for several other Muslims to take by his way... Nidal Hassan changed from an American soldier to a Mujahid who kills the soldiers who served with him one day, and if the American crimes continue, then we will see other Nidal Hassans too. And also there are Mujahideen from the West in Afghanistan and Iraq and this phenomenon will surface even more with the American and Western crimes in the Islamic World.”<sup>37</sup>

On September 30, 2011, al-Awlaki was killed in a targeted U.S. drone missile strike in a remote area of Yemen near the Saudi border.

In 2006, al-Awlaki released a new 22-part audio sermon under the title, “The Hereafter Series.” The rambling sermon goes into graphic detail in listing the painful punishments afforded to non-believers and deviant Muslims on the Day of Judgement. In part 3 of the “Hereafter” series, al-Awlaki addressed the question of “who are the ones that are saved from the punishment of the grave?” According to al-Awlaki, those who will escape divine punishment are “the shuhadaa” (“martyrs”) and “Al muraabit”: “They are the soldier who is positioned in a station away from home, guarding the Muslims, waiting for instructions to fight... It is a very difficult job. Because of that, Allah gives him a special reward.”<sup>38</sup> The Windows desktop on the Sony Vaio laptop seized from the defendant includes a folder labeled “The Hereafter Series” containing 22 segments of Anwar al-Awlaki’s “The Hereafter Series.”<sup>39</sup> Forensic records on the laptop hard drive appear to show that the folder and the audio files contained therein were created on December 26, 2011. RealPlayer software logs on the same hard drive indicate that at least nine of the audio segments were actually played by a user of the laptop—on December 27-28, 2011; January 2, 2012; and May 9, 2012.<sup>40</sup> Separately, a compact disc recovered by the FBI from the Honda Civic in Watertown contains at least four segments of Anwar al-Awlaki’s “The Hereafter Series.”<sup>41</sup>

Approximately the same year, Anwar al-Awlaki also released another major audio sermon on “The Life of Muhammad: The Medina Period Part 1.” The sermon includes bits of guidance and advice that can be gleaned from studying the military battles involving the early followers of Islam. Al-Awlaki urges listeners:

<sup>37</sup> Al-Malahem Media Foundation. “A Premiere and Exclusive Interview with the Islamic Preacher Sheikh Anwar Al-Awlaki.” Al-Qaida in the Arabian Peninsula (AQAP). <http://www.alfaloja.ws/vb/showthread?t=117972>. May 22, 2010.

<sup>38</sup> Al-Awlaki, Anwar. “The Hereafter Series.”

<sup>39</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/The Hereafter Series/

<sup>40</sup> 1B883-1R6\_SonyVaio/WD-

WXK1AA0W0137/1r6image/E/Users/Anzor/AppData/Roaming/Real/RealPlayer/History/

<sup>41</sup> E:\13-08140-14-31\MUSIC" SUB-FOLDER

“Don’t think that you can make it to Paradise without Jihad in the path of Allah, Allah is telling the Muslims, and that they have to go through these stages. You cannot claim your place in paradise, without Jihad in the path of Allah, and consequently it will show your steadfastness. So Allah is telling the Muslim that Islam is not a mystic religion, in which you do a few rituals and then can enter Paradise. Allah will test people in the field; Allah azzawajal has some serious demands for us, because He will then give us Paradise in return. We have to work for paradise... actual fighting was necessary to verify whether their wishes were true or not... Many of us may have intentions in our hearts to be a shaheed but does that mean that when we see an opportunity we would actually make an effort to fulfill our intention? This is something only Allah knows, and that is why He brought such situations to make evident what was in their hearts.”<sup>42</sup>

Microsoft Windows Media Player logs stored on the Sony Vaio laptop seized from the defendant indicate that a user of the computer played a segment of “The Life of Muhammad: The Medina Period Part 1” including the above text on April 10, 2013.<sup>43</sup> Another section of the same al-Awlaki audio segment was also found stored in a Windows desktop folder on the laptop taken from the defendant.<sup>44</sup> Forensic records from the laptop hard drive indicate that this audio segment was created and last accessed on April 7, 2013. Separately, at least eight segments of al-Awlaki’s “The Life of Muhammad: The Medina Period Part 1” were also recovered by the FBI from the stolen Mercedes Benz in Watertown.<sup>45</sup>

In his audio sermon “Allah is Preparing Us for Victory”, Anwar al-Awlaki preaches to his supporters of the “epic battle that will occur between the Muslim nation and ar-Room and that will be followed by the global Khilafah... It’s not like you can win over localised small area and they will leave you alone – no, the long arm of American injustice will get you wherever you are... that battle will be the battle that will establish the Islamic Khilafah on a global scale.” Al-Awlaki addresses those listeners who are hesitant to adopt the methodology of violent extremists: “You really don’t want to be sitting on the sidelines and lose out on all of this ajr [credit for good deeds] in this Golden Era; because it is a Golden Era... Although this is a Golden Era of Jihad, this ajr won’t be handed out for free; it would demand a lot. Because it is the greatest status it would demand the greatest sacrifice.”<sup>46</sup> A transcript of Anwar al-Awlaki’s audio sermon “Allah is Preparing Us for Victory” was found on a desktop computer which I understand the defendant to have accessed.<sup>47</sup>

- **Shaykh Abu Mohammed al-Maqdisi**

<sup>42</sup> Al-Awlaki, Anwar. “The Life of Muhammed: The Medina Period, Part 1.”

<sup>43</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/AppData/Local/Microsoft/Media Player/lastplayed.wpl/D:\Anwar Al awlaki lectures\Shaykh Anwar Awlaki - The Battle Of Uhud Part 4 5 - YouTube.mp3

<sup>44</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/papka Shaykh Anwar Awlaki – The Battle of Uhud Part 5 5 – YouTube.mp3

<sup>45</sup> E:\13-08140-32-2.1\MUSIC" SUB-FOLDER

<sup>46</sup> Al-Awlaki, Anwar. “Allah is Preparing Us for Victory.”

<sup>47</sup> Allah is preparing us for victory.pdf

A native of Jordan, Abu Mohammed al-Maqdisi (a.k.a. Issam al-Barqawi) is an equally infamous radical cleric who once served as the personal guide to Abu Musab al-Zarqawi, the founder of Al-Qaida's network in Iraq. In his book "The Exoneration", top Al-Qaida leader Dr. Ayman al-Zawahiri lavished praise on Abu Mohammed al-Maqdisi: "he really needs no introduction for he is a pillar of the advocacy of monotheism and the fight against falsehood in our age. I had the honor to become acquainted with him and benefited from him throughout his various stays in Peshawar during the Afghan jihad. It is sufficient honor to the mujahideen that among them is this tireless struggler, whom we pray to God to keep firm on his path of righteousness."<sup>48</sup> In December 1996, al-Maqdisi and several followers were ordered incarcerated by a Jordanian state security court—upon hearing the verdict, al-Maqdisi shouted, "Allahu Akhbar, history will write the secret of our jihad, the voice of our jihad will not weaken... Your sentences will only increase our faith in Islam and jihad until victory."<sup>49</sup> Eighteen books and articles written by al-Maqdisi were reported found by German police investigators in the former Hamburg apartment of lead 9/11 hijacker Mohammed Atta.<sup>50</sup>

Even after al-Maqdisi openly criticized some of Al-Qaida in Iraq's divisive and bloody methods in Iraq, AQI founder Abu Musab al-Zarqawi was reluctant to criticize his estranged former spiritual compass. Though Zarqawi bluntly told al-Maqdisi to mind his own business, he nonetheless addressed Maqdisi as "our honored Shaykh... may Allah preserve [you]." To underscore that point, Zarqawi added a final disclaimer to "end my response":

"I would like to say that Sheikh Maqdisi, may Allah preserve him, is one whose services and sacrifices are known and should be credited to him, he is worthy of being given the benefit of the doubt and he capable of clarifying or correcting the mishap. Having made a mistake does not mean that we look down to him and to his knowledge."<sup>51</sup>

Al-Maqdisi remains a highly influential Salafi-jihadi cleric and his texts continue to receive endorsements from Al-Qaida, including in AQAP's English-language "Inspire" Magazine.

The Sony Vaio laptop seized from the defendant in the present case includes a folder stored on the Windows desktop labeled "Al Makdisi" which features English translations of at least 3 books and fatwahs by Abu Mohammed al-Maqdisi.<sup>52</sup> Among the three is arguably his most famous book "Millat Ibrahim", first published by al-Maqdisi in 1984.<sup>53</sup> A Saudi national who confessed on state-run television to his involvement in a 1995 bombing of a joint U.S.-Saudi National Guard office in the Saudi capital Riyadh noted the role of al-Maqdisi and "Millat Ibrahim" in his radicalization: "When I read the

<sup>48</sup> Al-Zawahiri, Dr. Ayman. "The Exoneration." As-Sahab Media Foundation. First released: March 1, 2008. <http://www.myhesbah.com/v/showthread.php?170228>.

<sup>49</sup> "Global Muslim News, December 1996." *Al-Nida ul-Islam Magazine*. December 1996/January 1997. <http://www.islam.org.au/articles/16/news16.htm>.

<sup>50</sup> "Man had 'viable' terror blueprint." *BBC News*. June 11, 2007.

<sup>51</sup> "Zarqawi's reply to Sheikh Abu Muhammad al-Maqdisi."

<http://www.thesavedsect.com/ZarqaawiReply.htm>. Originally published July 12, 2005.

<sup>52</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/Al Makdisi/

<sup>53</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/Al Makdisi/millat\_ibraaheem.pdf



book of Millat Ibrahim, written by Mohammed Issam al-Maqdisi, I traveled to Jordan to visit the writer and I was affected by his ideas about the rulers of the Arab countries including this country [Saudi Arabia].”<sup>54</sup> Middle Eastern media have specifically credited al-Maqdisi’s “Millat Ibrahim” with having “a powerful impact in a generation of jihadist men.”<sup>55</sup>

In the book, al-Maqdisi discusses the necessity of absolute loyalty to Muslims and the disavowal of non-believers, their beliefs, and symbols—including by upholding the principle of violent jihad. According to al-Maqdisi, “know that this fundamental—waging jihad with the life, and following the Religion of Ibrahim—it is this that differentiates the truthful one from the pretending claimant.” Al-Maqdisi continued, “We are never uncomfortable from the saying that this is also asked from us in the condition of ability during times of weakness and other than it, whether that idol is a statue or a grave or a tyrant or an institution... And I mean by that, the Jihad and the fighting, as that is the highest level of openly showing the enmity and hatred towards the enemies of Allah.”

#### • At-Tibyan Publications

At-Tibyan Publications is an online Islamic extremist support network which by 2006 was arguably the premier source of English-language Salafi-jihadi propaganda on the Internet. According to the words of the editors at At-Tibyan Publications, “We found it beneficial for the many English-speaking Muslims to... perhaps learn and grasp its meanings.”<sup>56</sup> The group maintained a popular English-language Internet discussion forum for jihad supporters living in the West at <http://www.tibyanpubs.com> and <http://www.at-tawheed.com>, which was locked with specialized logins and passwords since at least late 2005 in an attempt to evade law enforcement scrutiny.

In addition to its Internet chat forum, At-Tibyan Publications also produced its own original online content—primarily translations of mujahideen recruitment material obtained from hardline Salafi-jihadi clergy and militant leaders. Rather than merely translating news reports or offering background on particular military operations, At-Tibyan focused on distributing ideological material designed to convince likeminded individuals to sacrifice their lives in the cause of jihad. In fact, most of the material produced by At-Tibyan offered little in the way of public interest value—it would only be of use to someone with a genuine, deep-rooted interest in participating in violent jihad. The Sony Vaio laptop seized from the defendant contained at least seven English-language translations published by At-Tibyan Publications—including “A Message To Every Youth” by Shaykh Abdullah Azzam (created and last accessed on January 16, 2012) and “Jihad and the Effects of Intention Upon It” by Shaykh Abdul-Qadir ibn Abdelaziz (created and last accessed on April 30, 2012).<sup>57</sup> Another of the At-Tibyan

<sup>54</sup> “Culprits in Riyadh bombing arrested; Prince Naif lauds General Investigations.” Saudi Press Agency (SPA). April 23, 1996.

<sup>55</sup> Al-Zaydi, Mshari. “Abu Mohammed al-Maqdisi: al-Zarqawi ‘Spiritual Godfather.’” Asharq al-Awsat. July 26, 2005. <http://aawsat.com/english/news.asp?id=968>.

<sup>56</sup> Al-‘Ulwaan, Shaykh Sulaymaan bin Naasir bin Abdullah. “Verily The Victory of Allaah Is Near.” At-Tibyan Publications. Rendered in English by Abu Huthayfah Yusuf al-Canadee. Page 3.

<sup>57</sup> 1B883-1R6\_SonyVaio/WD-

WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/EffectsOfIntention.pdf and 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/papka/Message\_youth.pdf

documents found on the laptop hard drive—"The Slicing Sword Against The One Who Forms Allegiances With The Disbelievers And Takes Them As Supporters Instead Of Allah, His Messenger And The Believers"—includes a foreward by Anwar al-Awlaki himself.<sup>58</sup> According to al-Awlaki:

"This book 'The Slicing Sword' represents the answers given by Shaykh Abd Allah Abd al Bari al ahdal to questions on the topic of Hijra (migration for the sake of Allah) and al-wala and al-bara (loyalty to Allah and disavowal of the enemies of Allah). The importance of this book lies in the fact that the situation that the Shaykh was faced with is similar to our circumstances today which gives relevance to his answers... This was a time when there were some Muslims who were replacing their pride in being Muslim and being subjects of Muslim rule with being subjects of Western occupiers and sailing under Western flags... I have studied this book... and I would encourage my brothers and sisters to benefit from it."<sup>59</sup>

File system records on the Sony Vaio laptop indicate that the document was created and last accessed on January 16, 2012. At least two additional copies of At-Tibyan Publications' "The Slicing Sword Against The One Who Forms Allegiances With The Disbelievers And Takes Them As Supporters Instead Of Allah, His Messenger And The Believers" were recovered from a desktop computer which I understand was accessed by the defendant.<sup>60</sup>

Also of significance from the cache of At-Tibyan materials recovered from the Sony Vaio laptop is another document (created on and last accessed on January 16, 2012) titled "In Pursuit of Freedom" by Shaykh Husayn ibn Mahmud—who is identified as "an assistant of the Jihad and the Mujahideen."<sup>61</sup> Mahmud recounts various events surrounding the contemporary revival of violent jihad and the role of Al-Qaida. He devoted much of his treatise to discussing the 9/11 "attacks on New York and Washington." According to Mahmud:

"The entire world witnessed the symbols of America fall down right before of their eyes, in a unique battle which had never before been witnessed in history. Attacks coming from the skies, with planes with 19 men from amongst the mujahideen in them, causing a heavy slaughter against America, shoving its nose into the dirt, tearing apart its image in the world... after that Blessed Expedition... Those blessed attacks were the peak of astuteness and wisdom of the Shaykh of the Mujahidin, the Lion of Islam [Bin Laden]—may Allah protect him and assist him."<sup>62</sup>

<sup>58</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/papka/Islam/sayfAlBattr.pdf

<sup>59</sup> Al-Ahdal, Shaykh Abdullah Abdelbari. "The Slicing Sword Against The One Who Forms Allegiances With The Disbelievers And Takes Them As Supporters Instead Of Allah, His Messenger And The Believers." At-Tibyan Publications.

<sup>60</sup> Carved[26321920].Slicing.Sword .pdf and sayfAlBattr.pdf

<sup>61</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/papka/Islam/pursuit\_freedom.pdf

<sup>62</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/papka/Islam/pursuit\_freedom.pdf

### III.) TERRORIST RECRUITMENT, PROPAGANDA, AND MULTIMEDIA PRODUCTIONS

In the wake of 9/11 and the emergence of the Internet as a primary means of communication and media distribution, international terrorist organizations have increasingly turned to the Internet as their principle venue for releasing propaganda communiqués and video recordings. The recordings themselves are assembled and traded over elite jihadi social networking forums as others might trade in music records or baseball cards. Online videos and glossy digital magazines have a particularly viral impact in helping to establish the reputation and agenda of a given group.

In the present case, I have found multiple references to official propaganda releases produced by Al-Qaida in the Arabian Peninsula, popularly known as AQAP, which currently serves as Al-Qaida's official regional franchise in Yemen. It was first formed in late 2008 from remnants of pre-existing Al-Qaida networks in Saudi Arabia and Yemen, combined with a group of veteran Saudi Al-Qaida commanders who were released after being held by the U.S. military as enemy combatants in Guantanamo Bay, Cuba. In December 2009, AQAP achieved media notoriety when a Nigerian national dispatched by the group, Umar Farouk Abdulmutallab, attempted to bomb a U.S.-bound transatlantic commercial aircraft with an explosive hidden in his undergarments.<sup>63</sup> The Yemeni-based group has shown a particular skill in recruiting Western nationals, in no small part thanks to the decision of Shaykh Anwar al-Awlaki to join AQAP and serve as a senior spokesman and leader. The official media wing of AQAP is known as "Al-Malahem Media."

Aside from audio and video recordings, Al-Qaida's affiliate in Yemen has also produced several noteworthy online magazines—the most prominent of which is an English-language production known as "Inspire." According to the editors of "Inspire", "this Islamic magazine is geared towards making the Muslim a mujahid in Allah's path... Under the media foundation of al-Malahem, we present the first magazine to be issued by the al-Qaidah Organization in the English language."<sup>64</sup> The first issue of AQAP's "Inspire" Magazine released in July 2010 featured an article by the "AQ Chef" titled "Make a Bomb in the Kitchen of Your Mom." The article was included under a subsection of the magazine headlined "Open Source Jihad: A resource manual for those who loathe the tyrants; includes bomb making techniques, security measures, guerilla tactics, weapons training and all other jihad related activities... The open source jihad is America's worst nightmare. It allows Muslims to train at home instead of risking a dangerous travel abroad."<sup>65</sup> The article goes on to urge readers to produce an improvised explosive device at home (using pressure cookers and the provided recipe) and engage in "individual work inside the West such as the operations of Nidal Hassan and Faisal Shahzad... We are conveying to you our military training right into your kitchen to

<sup>63</sup> Al-Malahem Media. "America and the Final Trap." Al-Qaida in the Arabian Peninsula (AQAP). <http://www.alfaloja.ws/vb/showthread?t=118547>. May 26, 2010.

<sup>64</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 1. <http://www.alfaloja.info/vb/showthread?t=125177>. July 11, 2010.

<sup>65</sup> Al-Malahem Media. "An Interview with Abu Basir al-Wahishi." Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 1. <http://www.alfaloja.info/vb/showthread?t=125177>. July 11, 2010. Page 17.



relieve you the difficulty of traveling to us.”<sup>66</sup> According to the article, “in one or two days the bomb could be ready to kill at least ten people. In a month you may make a bigger and more lethal bomb that could kill tens of people.”<sup>67</sup>

I am aware that the criminal charges at issue in this case involve improvised explosive devices (IEDs) that were constructed from “pressure cookers, low explosive powder, shrapnel, adhesive, and other materials” that were “concealed inside black backpacks.”<sup>68</sup> I note that the recipe for “Make a Bomb in the Kitchen of Your Mom” in Inspire Magazine #1 likewise includes pressure cookers, low explosive powder (fabricated from match heads and sugar), adhesive, and other materials. The recipe indicates that while an iron pipe may suffice in some circumstances, “the pressurized cooker is the most effective method” when “plac[ing] the device in a crowded area.”<sup>69</sup> It should be further noted that, in the first Inspire Magazine issue that was released following the Boston bombings, AQAP quoted from a CBS News interview with “NYPD Bomb Technician” Kevin Barry, endorsing his description of the explosive device used in the attack: “a mirror image, almost exactly from that manual.. are.. or what seems to be recovered in Boston.”<sup>70</sup>

Inspire Magazine’s inaugural issue also offered an exclusive translated interview with AQAP’s top commander, Abu Basir al-Wahishi, in which he urged “my Muslim brothers in the West is to acquire weapons and learn methods of war”:

“They are living in a place where they can cause great harm to the enemy... O Muslims rise up in defense of your Messenger: a man with his knife, a man with his gun, a man with his rifle, a man with his bomb, by learning how to design explosive devices, by burning down forests and buildings, or by running over them with your cars and trucks. The means of harming them are many so seek assistance from Allāh and do not be weak and you will find a way.”<sup>71</sup>

At least two copies of Inspire Magazine Issue #1 were recovered from a laptop computer and digital media storage device seized from the defendant.<sup>72</sup> Internal forensic records

<sup>66</sup> Al-Malahem Media. “An Interview with Abu Basir al-Wahishi.” Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 1. <http://www.alfaloja.info/vb/showthread?t=125177>. July 11, 2010. Page 17.

<sup>67</sup> Al-Malahem Media. “An Interview with Abu Basir al-Wahishi.” Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 1. <http://www.alfaloja.info/vb/showthread?t=125177>. July 11, 2010. Page 17.

<sup>68</sup> Al-Malahem Media. “An Interview with Abu Basir al-Wahishi.” Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 1. <http://www.alfaloja.info/vb/showthread?t=125177>. July 11, 2010. Page 17.

<sup>69</sup> Al-Malahem Media. “An Interview with Abu Basir al-Wahishi.” Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 1. <http://www.alfaloja.info/vb/showthread?t=125177>. July 11, 2010. Page 17.

<sup>70</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue #11; June 3, 2013. <http://www.alfidaa.org/showthread.php?t=65103>.

<sup>71</sup> Al-Malahem Media. “An Interview with Abu Basir al-Wahishi.” Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 1. <http://www.alfaloja.info/vb/showthread?t=125177>. July 11, 2010. Page 17.

<sup>72</sup> 3R-4/C/CompleteInspire.pdf and 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/ye/CompleteInspire.pdf.

indicate that the copy of the magazine on the laptop hard drive was created on January 21, 2012 and was last accessed on the same date.

On October 11, 2010, Al-Malahem Media released the second issue of Inspire Magazine—wherein would-be recruits seeking to join AQAP were advised, “If you’re coming from the West, you might be asked by the mujahidin why you didn’t partake in the jihad inside your country... Many will tell you that attacking the enemy in their backyard is one of the best ways to help the jihad... Put yourself in the shoes of the leadership for a moment. They have with them an individual who is not wanted by the intelligence services and they could use that person to further the Islamic cause. That person is you. I strongly recommend all the brothers and sisters coming from the West to consider attacking the West in its own backyard. The effect is much greater... and these types of individual attacks are nearly impossible for them to contain.”<sup>73</sup>

In order to help “inspire” militants living in Western countries to carry out their own homegrown operations, the second issue of “Inspire” went on to offer a “simple idea” which would not require substantial “preparation”, labeled “The Ultimate Mowing Machine”:

“The idea is to use a pickup truck as a mowing machine, not to mow grass but mow down the enemies of Allah. You would need a 4WD pickup truck. The stronger the better. You would then need to weld on steel blades on the front end of the truck... The ideal location is a place where there are a maximum number of pedestrians... In fact, if you can get through to ‘pedestrian only’ locations that exist in some downtown (city center) areas, that would be fabulous... It would cause chaos and trauma among the public. The ‘terrorizing’ element here is great. With blades welded to the truck and slashing out at the enemies of Allah at high speed, you can imagine the scene after such an operation! It is a simple operation with great results.”<sup>74</sup>

The magazine went on to suggest that an appropriate use for such a strategy would be “a random hit at a crowded restaurant in Washington DC at lunch hour for example might end up knocking out a few government employees. Targeting such employees is paramount.”<sup>75</sup> At least one copy of Inspire Magazine Issue #2 was recovered from a laptop computer seized from the defendant.<sup>76</sup> Internal forensic records indicate that the copy of the magazine recovered from the laptop’s hard drive was created on and last accessed on January 21, 2012.

On November 20, 2010, AQAP published the third issue of “Inspire Magazine” as a “special” release to commemorate “Operation Hemorrhage”, a failed terrorist plot targeting commercial air cargo flights to the United States with hidden explosive

<sup>73</sup> Al-Malahem Media. “What to Expect in Jihad.” Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 2. <http://www.shamikh1.net/vb/showthread.php?t=75606>. October 11, 2010. Pages 53-56.

<sup>74</sup> Al-Malahem Media. “What to Expect in Jihad.” Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 2. <http://www.shamikh1.net/vb/showthread.php?t=75606>. October 11, 2010. Pages 53-56.

<sup>75</sup> Al-Malahem Media. “What to Expect in Jihad.” Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 2. <http://www.shamikh1.net/vb/showthread.php?t=75606>. October 11, 2010. Page 56.

<sup>76</sup> 1B883-1R6\_SonyVaio/WD-

WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/ye/InspireFall2010.pdf.



devices.<sup>77</sup> The magazine notes, “we will continue with similar operations and we do not mind at all in this stage if they are intercepted. It is such a good bargain for us to spread fear amongst the enemy and keep him on his toes in exchange of a few months of work and a few thousand bucks. We would gladly dispense with a remote controlled device that does not require us to put a mujahid on board a plane... The next phase would be to disseminate the technical details of our device to the mujahidin around the world to use from their respective countries... and to use similar devices on civilian aircrafts in Western countries.”<sup>78</sup> In conclusion, another article in the issue encourages, “Dear Muslim hasten to join the ranks of the mujahidin or to form cells to perform operations against the disbelievers in their own land. We are paying back America for only a small portion of what they do to our nation.”<sup>79</sup> At least one copy of Inspire Magazine Issue #3 was recovered from a laptop computer seized from the defendant.<sup>80</sup> Internal forensic records indicate that the copy of the magazine recovered from the laptop’s hard drive was created on and last accessed on January 21, 2012.

On January 16, 2011, AQAP released the fourth issue of “Inspire Magazine”—headlined by an article titled “The Ruling On Dispossessing the Disbelievers Wealth in Dar Al-Harb: Is it halal [‘permissible’] to dispossess the wealth of the disbelievers in America and other Western countries? Shaykh Anwar al-Awlaki explains the Islamic ruling.”<sup>81</sup> The issue begins with a “news flash”:

“Living a comfortable life, and married with children didn’t stop Taimour Abdulwahhab al-Abdaly from responding to the call of Jihad. He conducted a martyrdom operation in Stockholm, Sweden, shaking up the entire EU. The iron first of jihad is more apparent than ever in the midst of the kuffar. This is now the second operation within a month inside Europe... We need more like him.”<sup>82</sup>

The magazine quotes al-Abdaly’s “martyrdom” will: “No more oppression against Islam or Muslims will be tolerated. [...] Our actions will speak for themselves. Now your children, your daughters and your sisters will die as our brothers, our sisters and our children are dying.”<sup>83</sup> In another article from the same issue titled “Roshonara & Taimour: Followers of the borderless loyalty”, the magazine extolled “the hero Taimour Abdulwahab al-Abdaly” who “has fulfilled his individual duty towards Allah in an operation that was long overdue”: “We say to the kuffar: The borderless loyalty is a religious sentiment of the people in your midst. As long as the Muslims remain in your

<sup>77</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 3. <http://www.shamikh1.net/vb/showthread.php?t=81509>. November 20, 2010.

<sup>78</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 3. <http://www.shamikh1.net/vb/showthread.php?t=81509>. November 20, 2010.

<sup>79</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 3. <http://www.shamikh1.net/vb/showthread.php?t=81509>. November 20, 2010.

<sup>80</sup> IB883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/ye/InspireNovember2010.pdf

<sup>81</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 4. <http://www.shamikh1.net/vb/showthread.php?t=89029>. January 16, 2011.

<sup>82</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 4. <http://www.shamikh1.net/vb/showthread.php?t=89029>. January 16, 2011.

<sup>83</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 4. <http://www.shamikh1.net/vb/showthread.php?t=89029>. January 16, 2011.



focus, you will remain in ours. No matter the security precautions you may take, you cannot kill a borderless idea.”<sup>84</sup>

The fourth issue of “Inspire” also features a “Q&A” with an AQAP cleric who is asked to address “the ruling on targeting those who are referred to as ‘civilians’ in the West.” According to the cleric, “the Americans and Europeans... are in a state of war with us because of their participation in elections that choose governments that wage war against Muslims... Thus we target them because they are disbelievers and because of their war against us... It is legitimate to target the people of the West and we have no doubts about its legitimacy... The military and economic targets should be a priority. If they cannot be targeted except with some of those whom it is illegal for us to target, then in situations of necessity, they could be targeted.”<sup>85</sup>

For those intent on pursuing this command, a further article in the same issue offered a step-by-step, detailed recipe for “Destroying Buildings” from the “AQ Chef”, instructing readers to fill “cars, trains, malls, factories and various buildings”—including residential apartments—with odorless combustible gas in order to cause a massive explosion. Those perusing the recipe are urged to “give USA a bloody nose” and “kill ‘em tawaghit [tyrants].”<sup>86</sup> At least one copy of Inspire Magazine Issue #4 was recovered from a laptop computer seized from the defendant.<sup>87</sup> Internal forensic records indicate that the copy of the magazine recovered from the laptop’s hard drive was created on and last accessed on January 7, 2012.

On March 29, 2011, AQAP released the fifth issue of “Inspire Magazine”—with a “news flash” section headlined by the announcement that “a 21-year old courageous Kosovan mujahid opened fire on two American servicemen in a bus at an airport in Frankfurt, German, killing them...It was said that he was inspired by the internet works of the mujahidin. President Obama was saddened and outraged by the attack, praise be to Allah.”<sup>88</sup> The issue also published a response to an e-mailed question from an inquisitive “Inspire” reader: “I live in the West and greatly desire hijrah to the lands of jihad such as Afghanistan or Yemen... The problem is that I don’t have any contact to meet the mujahidin. What do you recommend that I do?”<sup>89</sup> Inspire’s editors replied, “Your situation describes the same position that many other brothers in the West are going through; they are ready to march forth but don’t have the concrete steps to meet their mujahidin brothers. What we recommend is that you focus on planning out attacks in the West”:

“The mujahidin leadership are today asking the brothers in the West specifically to attack Western interests in the West instead of coming here to Yemen... The foreign brothers

<sup>84</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 4. <http://www.shamikh1.net/vb/showthread.php?t=89029>. January 16, 2011.

<sup>85</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 4. <http://www.shamikh1.net/vb/showthread.php?t=89029>. January 16, 2011.

<sup>86</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 4. <http://www.shamikh1.net/vb/showthread.php?t=89029>. January 16, 2011.

<sup>87</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/ye/InspireJanuary2011.pdf

<sup>88</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 5. <http://www.shamikh1.net/vb/showthread.php?t=101747>. March 29, 2011.

<sup>89</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 5. <http://www.shamikh1.net/vb/showthread.php?t=101747>. March 29, 2011.

that join the mujahidin, many amongst them, conclude that it would have been better for them to return to the West and launch operations... Ususally the brothers coming to the lands of jihad from the West don't have this mentality until they spend some time with their mujahidin brothers. The realization kicks in, the desire burns, but by that time, it's too late to return. So we are asking our brothers in the West to come to this realization. This is the chief reason as to why we started placing the translation of Abu Musab al-Suri's works on the theory of individual jihad... Your pool of targets are large, so make sure to think of all of the available options. An example of something local, easy and effective is attacking an army recruiting center, nightclub, highway or busy shopping mall."<sup>90</sup>

The "Open Source Jihad" column in Inspire Issue #5 is dedicated entirely to "training with the AK" in a section sub-titled "OSJ Gun School." The article offers detailed instructions, with accompanying photos, of how to open, clean, and perform other "maintenance" on an AK-47 rifle: "maintenance of the weapon is an absolute necessity."<sup>91</sup> At least one copy of Inspire Magazine Issue #5 was recovered from a laptop computer seized from the defendant.<sup>92</sup> Internal forensic records indicate that the copy of the magazine found on the laptop's hard drive was created on and last accessed on August 31, 2011. A second copy of Inspire Magazine #5 was also found on a desktop computer which I understand the defendant to have accessed.<sup>93</sup> The same desktop computer also contains a screenshot of page 25 from Inspire Magazine #5 featuring the "Open Source Jihad (OSJ) Gun School."<sup>94</sup>

On July 18, 2011, Al-Malahem Media released the sixth issue of "Inspire Magazine" featuring a new chapter in the "open source jihad" series on "training with the AK" ("OSJ Gun School") and "making acetone peroxide."<sup>95</sup> According to the author of the guide to "training with the AK", "I will be showing you all of the important shooting stances that the mujahidin adopt. A lot of this is all about imitating what you see in the images." A masked militant is shown adopting seven different stances while holding his weapon, including a "stomach lie", a "back lie", and "kneeling."<sup>96</sup> The section from the "OSJ Bomb School" detailing the fabrication of acetone peroxide notes, "Acetone Peroxide (AP) is a very popular explosive because it is easy to manufacture and its ingredients are widely available."<sup>97</sup> It follows with highly detailed and specific information of where to find the ingredients, a step-by-step tutorial (including an attached photo slideshow) on how to make it, and its advantages and disadvantages.<sup>98</sup> At least two copies of Inspire Magazine Issue #6 were recovered from a laptop computer seized from

<sup>90</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 5. <http://www.shamikh1.net/vb/showthread.php?t=101747>. March 29, 2011.

<sup>91</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 5. <http://www.shamikh1.net/vb/showthread.php?t=101747>. March 29, 2011.

<sup>92</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/ye/InspireMarch2011.pdf

<sup>93</sup> InspireMarch2011.pdf

<sup>94</sup> Carved [2007609].jpeg

<sup>95</sup> <http://www.shamikh1.info/vb/showthread.php?t=117805>. July 18, 2011.

<sup>96</sup> <http://www.shamikh1.info/vb/showthread.php?t=117805>. July 18, 2011.

<sup>97</sup> <http://www.shamikh1.info/vb/showthread.php?t=117805>. July 18, 2011.

<sup>98</sup> <http://www.shamikh1.info/vb/showthread.php?t=117805>. July 18, 2011.



the defendant.<sup>99</sup> Internal forensic records from the laptop indicate that the two copies of the magazine were respectively created on (and last accessed on) August 17, 2011 and January 21, 2012.

On May 2, 2012, AQAP's Al-Malahem media published the ninth issue of "Inspire Magazine", including articles paying tribute to two American nationals, Shaykh Anwar al-Awlaki and Samir Khan, who had been killed in a U.S. drone missile strike while fighting alongside AQAP in Yemen.<sup>100</sup> In profiling Khan, the author emphasized, "When we talked about the plight of the Muslims in America, he would often tell me how he wished that every brother coming from the West, especially America, had partken in jihad inside that country. He explained that attacking the enemy in their backyard is one of the best ways to help the jihad."<sup>101</sup>

The ninth issue of "Inspire" Magazine also provided another chapter in the ongoing series offering translated advice from Al-Qaida strategic guru Abu Musab al-Suri: "The Jihadi Experiences: The Most Important Enemy Targets Aimed At by the Individual Jihad."<sup>102</sup> Quoting al-Suri, the magazine instructed readers, "The fundament for the operational activity is that the mujahid, the member of the Resistance, practices individual jihad on his land, where he lives and resides, without the jihad costing him the hardship of traveling, migrating, and moving to where direct jihad is possible. The enemy today is one, and he is spread everywhere, Alhamdulillah."<sup>103</sup> According to the article, the "most important targets in America and in Western countries" include "political figures", "large strategic economic targets such as The Stock Exchange, power and oil installations, airports, harbors, railroad systems, bridges and highway intersections, tunnels on the highways, metro systems, tourist targets", "military bases and barracks", "media personalities and media centers", "places where Jews are gathered", government agencies, and "striking civilians in general to deter them or for retaliation." The article specifies that, this final premise (i.e. "mass slaughter of the population") is "done by targeting human crowds in order to inflict maximum human losses. This is very easy since there are numerous such targets such as crowded sports arenas, annual social events, large international exhibitions, crowded marketplaces, skyscrapers, crowded buildings, etc."<sup>104</sup>

This list of suggested terrorist targets provided by Inspire Magazine is particularly compelling in retrospect given the allegations in the present case regarding a bombing attack at the crowded finish line of the Boston Marathon. Two months after the Boston bombings, AQAP specifically and publicly addressed the choice of targets made by the alleged perpetrators: "The Tsarnaev mujahideen's choice of Boston as a target for the

<sup>99</sup> 1B883-1R6\_SonyVaio/WD-

WXK1AA0W0137/1r6image/E/Users/Public/Documents/stuff/InspireSummer2011.pdf and 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/ye/InspireSummer2011.pdf

<sup>100</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 9. <http://www.alfidaa.org/showthread.php?t=30259>. May 2, 2012.

<sup>101</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 9. <http://www.alfidaa.org/showthread.php?t=30259>. May 2, 2012.

<sup>102</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 9. <http://www.alfidaa.org/showthread.php?t=30259>. May 2, 2012.

<sup>103</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 9. <http://www.alfidaa.org/showthread.php?t=30259>. May 2, 2012.

<sup>104</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 9. <http://www.alfidaa.org/showthread.php?t=30259>. May 2, 2012.



bombings was very appropriate indeed... The [bombings] hit Copley Square the substantial heart of Boston center, whereby many hotels are around. MIT is in the neighborhood, Fenway Park the home ballpark of the Boston Red Sox baseball club is not far, also Boston university and Boston college are located near by the blast.”<sup>105</sup> Moreover, according to AQAP, the Marathon itself was a “very clever” target because “the event attracted 27,000 registered participants, in addition to approximately 500,000 spectators and about 1,000 media personnel from more than 100 outlets... All this means the Tsarnaev brothers planned smartly to strike at a crowded time to guarantee maximum killing and injuring. This timing is significant in Lone Jihad operations... They really did a great job.”<sup>106</sup>

Perhaps most significantly, the ninth issue of Inspire released in May 2012 also featured a new “workshop” titled, “The Convoy of Martyrs: Rise up and board with us”:

“The objective of this workshop is to communicate with those [who] seek martyrdom operations or those who want to execute a slaughter to the enemies of Islam, those who have no means of contacting their Mujahideen brothers whatever the reasons, the aim is to activate them in the midst of the enemy weather[sic] the enemy was the Jews, the Christians or the apostates. It is becoming obvious to many that the concept of individual jihad which features have begun to appear recently has been called for by the leaders of jihad... The only connection that mujahid has is with the group leadership. In this case it will be with our military committee. So, the remaining functions like directing, selecting the target, instructing, training, and adopting the operation will be held by our group’s military committee and leadership... The mujahid selects a target and present a detailed explanation about the target. The military committee studies the target and then decide in that matter.”<sup>107</sup>

At least one copy of Inspire Magazine Issue #9 was recovered from a laptop computer seized from the defendant.<sup>108</sup> Internal forensic records indicate that the copy of the on the laptop’s hard drive was created on and last accessed on July 31, 2012. Taken together, the seven different issues of Inspire Magazine that were assembled on the hard drive of the Sony Vaio laptop represent the single largest collection of Inspire Magazines I have observed recovered as evidence in a U.S. federal criminal trial—and by a large margin.

Aside from official propaganda recordings produced by Al-Qaida, the defendant also appears to have had copies of Arabic-language songs used as the soundtrack in Al-Qaida propaganda videos (known as “anasheed”). One such nasheed song, titled “Bi-Jihadina Sanufattetu as-Sakhraah” (“With Our Jihad We Shall Crush the Rocks”), has been featured innumerable times in video recordings produced by Al-Qaida in Iraq, Al-Qaida in the Arabian Peninsula (AQAP), and Al-Qaida in the Islamic Maghreb (AQIM). A laptop seized from the possession of the defendant contained a downloaded copy of a YouTube mashup video produced by the now-defunct English-language jihadi web forum DawnOfTheUmmah.com. The video features various wordless battle scenes from the

<sup>105</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue #11; June 3, 2013. <http://www.alfidaa.org/showthread.php?t=65103>.

<sup>106</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue #11; June 3, 2013. <http://www.alfidaa.org/showthread.php?t=65103>.

<sup>107</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue No. 9. <http://www.alfidaa.org/showthread.php?t=30259>. May 2, 2012.

<sup>108</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/papka/Issue9.pdf

2005 Hollywood film “Kingdom of Heaven”, with an audio overlay of the “Bi-Jihadina” nasheed and English-language subtitles for the song.

“Through our Jihad, Through our Jihad,  
We will shatter the rocks, And tear apart the falsehood and ‘Kuffr’,  
Through our Jihad, We will shatter the rocks, And tear apart the falsehood and ‘Kuffr’,  
With a great and strong determination, And a will that cannot be subdued,  
With a great and strong determination, And a will that can not be subdued,  
Through our Jihad, And we will call to arms our passion and intellect,  
And with our blood we will color the dawn,  
And bring it back to you my Ummah, a victory,  
Through our struggle, we will alter your path,  
And we will call to arms our passion and intellect,  
And with our blood we will color the dawn,  
And bring it back to you my Ummah, a victory.”<sup>109</sup>

At least two copies of the YouTube video mashup created by DawnOfTheUmmah.com offering an English-language subtitled video version of “Bi-Jihadina Sanufattetu as-Sakhraah” were recovered from a laptop seized from the defendant in the present case.<sup>110</sup> Logs stored by RealPlayer software on the same laptop indicate that the same video was last viewed by a user of the computer on March 11, 2013.<sup>111</sup>

In July 2007, Al-Qaida’s central media wing, the “As-Sahab Media Foundation”, debuted the first episode in a new video propaganda series titled “Winds of Paradise.” The videos spotlight the stories of “martyred” Al-Qaida fighters in Afghanistan and Pakistan, including a wide range of roles—from suicide bombers to senior Al-Qaida commanders. Each episode begins with the same CGI introduction, including a nasheed song with the Arabic lyrics: “Don’t I only die once in my life? So why not make its finale martyrdom?”<sup>112</sup> An MP3 audio copy of the nasheed theme to Al-Qaida’s “Winds of Paradise” propaganda video series was recovered from a laptop seized from the defendant.<sup>113</sup> The same laptop also contains a nasheed song extolling the virtues of the terrorist organization Shabaab al-Mujahideen in Somalia<sup>114</sup>, two copies of a nasheed video celebrating the “martyrdom” of Saudi national Ibn-ul-Khattab while fighting

<sup>109</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/ye/[Nasheed] Bi Jihadina (English Translation) – YouTube.flv

<sup>110</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/ye/[Nasheed] Bi Jihadina (English Translation) – YouTube.flv and 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/Nasheed/[Nasheed] Bi Jihadina (English Translation) – Youtube.flv.

<sup>111</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/AppData/Roaming/Real/RealPlayer/History/[Nasheed] Bi Jihadina (English Transl....lnk

<sup>112</sup> As-Sahab Media Foundation. “Winds of Paradise, Part 1.” <http://www.alhesbah.org/v/showthread.php?t=140921>. July 14, 2007.

<sup>113</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Downloads/music/nasheed/Nasheed – Winds of Paradise.mp3.

<sup>114</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Downloads/music/nasheed/Нашид\_- \_Al Shabab Mujahideen( Nasheeds™ <http://vkontakte.ru-public33641289>).mp3

Russian forces in Chechnya<sup>115</sup> (last played by a user of the computer on March 11, 2013<sup>116</sup>), and multiple copies of at least three other video or audio recordings explicitly identified as “jihaad” or “mujahideen”-related anasheed<sup>117</sup> (some of which were also apparently viewed last on March 11, 2013<sup>118</sup>). The previously-described Vaio laptop also includes a user-initiated Music playlist file, titled “nasheed”, which appears to have been created on January 28, 2012. At least four of the twenty-six songs that were added to the playlist are explicitly identified as “jihad”-themed.<sup>119</sup> Likewise, the CDs recovered by the FBI from the Honda Civic and stolen Mercedes Benz in Watertown contained an assortment of jihadi anasheed songs, including “nasheed for mujahideen”, “Jihad Nasheed Hebbit Kerrih”, and “Fi sa bililah.”

#### IV.) THE BROWSING OF INTERNET WEBSITES RUN BY OR ON BEHALF OF INTERNATIONAL TERRORIST ORGANIZATIONS

- **Kavkazcenter.com**

KavkazCenter.com is the longstanding official website of the Chechen mujahideen and the Islamic Emirate of the Caucasus (headed by Dokku Umarov). In July 2000, during an online interview, notorious Chechen mujahideen Commander Shamil Basayev was asked what Internet sites he would recommend for information about the jihad in the Caucasus. He explained, “we have two websites; the first is in Russian and is overseen by brother Movladi Ugudov... [It] is focused at responding to the lies circulated by the Russian media.”<sup>120</sup> In fact, Basayev was describing Kavkazcenter.com, a Russian and English-language website offering statements taken directly from the mujahideen and video recordings of their military operations. These statements and operations have included terrorist attacks far inside Russian territory on targets such as civilian passenger trains and power plants. In May 2011, the U.S. State Department announced that it would formally designate the Islamic Emirate of the Caucasus after determining “that the group known as Caucasus Emirate, also known as Imarat Kavkaz, also known as Imirat Kavkaz, also known as Islamic Emirate of the Caucasus, poses a significant risk of

<sup>115</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/ye/Commander Khattab – YouTube.flv and 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/Nasheed/Commander Khattab – YouTube.flv

<sup>116</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/AppData/Roaming/Real/RealPlayer/History/Commander Khattab – YouTube.lnk

<sup>117</sup> See: 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/ye/; 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Downloads/music/nasheed/; 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Desktop/Nasheed/

<sup>118</sup> See e.g.: 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/AppData/Roaming/Real/RealPlayer/History/Great Jihad Anasheed (Nasheed 2009) - ....lnk and Halummu ( Arabic Jihaad Nasheed ) – Y....lnk.

<sup>119</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/Music/Playlists/nasheed.wpl

<sup>120</sup> Azzam Publications. “Exclusive Interview with Commander of Mujahideen Forces in Chechnya, Shamil Basayev.” <http://www.qoqaz.net/html/interviews.htm>. July 1, 2000.



committing acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.”<sup>121</sup>

Software records from the Mozilla Firefox web browser installed on the Vaio laptop seized from the defendant indicate that on November 13, 2008, a user of the laptop bookmarked a link to Kavkazcenter.com.<sup>122</sup> The same browser was apparently used to visit at least three different pages on Kavkazcenter.com, including its main Russian-language homepage<sup>123</sup>, a Russian-language article on “War, Peace, Islamic Jihad, its Stages and Natural Necessity”<sup>124</sup>, and a Russian-language sermon written by a slain Chechen jihadist titled “He who speaks about the Qur’an without knowledge is preparing a place in the hellfire.”<sup>125</sup> At least two additional Russian-language webpages from Kavkazcenter.com—an “Educational Program for the Mujahideen: Precautions and Safety”<sup>126</sup> and “An Inside Look at Jihad”<sup>127</sup>—were recovered as saved document files on a desktop computer that I understand the defendant to have accessed.

- **Hunafa.info**

Although Kavkazcenter.com is the main website for the Islamic Emirate of the Caucasus, over the past seven years, several other official websites have emerged to represent regional command structures within the Emirate itself—particularly mujahideen forces based in the territory of Dagestan and Ingushetia. These websites have provided greater detail and more elaborate multimedia focused on operations and leadership figures in their own area of responsibility. Since August 2008, Hunafa.com/Hunafa.info has served as the official online media wing of the Islamic Emirate of the Caucasus for the “Vilayat” (Province) of Ingushetia.<sup>128</sup> To document its authenticity, the site has actually reproduced an October 2008 communique issued by senior officials with the Islamic Emirate of the Caucasus in Ingushetia that confirms that Hunafa as being their “official media” source: “Any formal communication with the media on behalf of the Ingushetia Vilayat that is not published on the website Hunafa.com or its mirrors shall be

<sup>121</sup> “In the Matter of the Designation of Caucasus Emirate aka Imarat Kavkaz aka Imirat Kavkaz aka Islamic Emirate of the Caucasus as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended.” U.S. State Department. May 27, 2011. <https://www.federalregister.gov/articles/2011/05/27/2011-13254/in-the-matter-of-the-designation-of-caucasus-emirate-aka-imat-kavkaz-aka-imirat-kavkaz-aka-islamic>.

<sup>122</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/AppData/Roaming/Mozilla/Firefox/Profiles/8pz02ajt.default/places.sqlite/moz\_bookmarks

<sup>123</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/AppData/Roaming/Mozilla/Firefox/Profiles/8pz02ajt.default/places.sqlite/moz\_places/http://kavkazcenter.com/russ/

<sup>124</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/AppData/Roaming/Mozilla/Firefox/Profiles/8pz02ajt.default/places.sqlite/moz\_places/http://kavkazcenter.com/russ/content/2011/04/28/81123.shtml

<sup>125</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/AppData/Roaming/Mozilla/Firefox/Profiles/8pz02ajt.default/places.sqlite/moz\_places/http://kavkazcenter.com/russ/content/2008/07/24/59670.shtml

<sup>126</sup> 0[note re jihad].rtf ([http://www.kavkazcenter.com/russ/content/2012/12/11/94858\\_print.html](http://www.kavkazcenter.com/russ/content/2012/12/11/94858_print.html)).

<sup>127</sup> Саид Бурятский Vzglyad na Dzhikhad iz nutri\_po prosshestvii goda.docx (<http://www.kavkazcenter.com/russ/content/2009/05/18/65689.shtml>)

<sup>128</sup> [http://hunafa.com/?page\\_id=12](http://hunafa.com/?page_id=12)

void and considered to be a provocation.”<sup>129</sup> The website contains daily updates on (and video of) military operations targeting Russian-backed state security forces in Ingushetia, statements by military leaders of the group, guidance for would-be recruits, and “information about Islam based on the Quran and Sunnah in order to highlight the most important events taking place in the Islamic Ummah.”<sup>130</sup>

Software logs for the Mozilla Firefox web browser on the Sony Vaio laptop seized from the defendant recorded at least one visit to a YouTube-hosted video recording produced and released by Hunafa.info, featuring Said Buryatsky (a.k.a. Shaykh Said Abu Saad al-Buryati), a hardline militant leader and recruiter in Ingushetia affiliated with the Islamic Emirate of the Caucasus.<sup>131</sup> The video, uploaded on September 23, 2009, is clearly labeled with the official Hunafa.com watermark. During the video, titled “The Destroyer of Pleasures”, al-Buryati delivers a sermon about the ephemeral nature of earthly pleasures and the need to carry out pious acts, such as martyrdom, to avoid punishment on the Day of Judgement. At least three additional web pages saved as document files were recovered from a desktop computer which I understand the defendant to have accessed. These three files are all episodes from a Hunafa.info propaganda series titled, “Sheikh Said Buryat: Heroes of Truth and Falsehood: An Inside Look at Jihad.”<sup>132</sup>

- **Jamaatshariat.com**

From March 2007 until March 2012 (when it was suspended by its Internet hosting provider for violations of its terms of service agreement), Jamaatshariat.com served as the official media website for the “Wilayah Dagestan of the Caucasus Emirate”—i.e. mujahideen in Dagestan affiliated with the Islamic Emirate of the Caucasus.<sup>133</sup> According to an English-language description posted on the website:

“Site of Jamaat Sheriyat is created to give the objective information about the Islam, occurring in Dagestan and Caucasus, about Jihad on way of Allah, about ups and downs of Moslems. Jihad in Dagestan goes since 1999 and will be continued, inshaallah, up to the Victory of Moslems. Jamaat Sheriyat is those Moslems who has taken a way of Jihad so that the world of Allah was above all on this ground. Under the unanimous decision of mojaheds our jamaat was named ‘Sheriyat.’”<sup>134</sup>

Much like its sister site in Ingushetia, Hunafa.com, Jamaatshariat.com offered daily updates on (and video of) local military operations targeting Russian-backed state security forces, statements by military leaders of the group, and guidance for would-be recruits. The claims of responsibility posted on the website on behalf of the Islamic

<sup>129</sup> [http://hunafa.com/?page\\_id=12](http://hunafa.com/?page_id=12)

<sup>130</sup> [http://hunafa.com/?page\\_id=12](http://hunafa.com/?page_id=12)

<sup>131</sup> 1B883-1R6\_SonyVaio/WD-

WXK1AA0W0137/1r6image/E/Users/Anzor/AppData/Roaming/Mozilla/Firefox/Profiles/8pz02ajt.default/places.sqlite/places visited table (<http://www.youtube.com/watch?v=C9RrrQkr08w&feature=related>)

<sup>132</sup> САИД GEROI ISTINNI I LZHI. Chast'1.docx (<http://hunafa.com/?p=1534>); САИД АБУ СААД Vzglyad na Dzhikhad iznutri Chast 2.docx (<http://hunafa.com/?p=1715>); Саид Абу Саад Vzglyad na Dzhikhad iznutri. Geroi istinni i lzhi. Chast 3.docx (<http://hunafa.info/?p=1855>).

<sup>133</sup> <http://www.jamaatshariat.com>. February 2011.

<sup>134</sup> <http://www.jamaatshariat.com/eng.html>. February 2011.

Emirate of the Caucasus included incidents such as the March 29, 2010 suicide bombing attack on the Moscow subway system.<sup>135</sup> Aside from the Caucasus, Jamaatshariat.com also provided a direct stream of official jihadi data from other active battlefields, such as “complete statistics from the Jihad of the Islamic Emirate of Afghanistan for the month of January.”<sup>136</sup>

Software logs for the Mozilla Firefox web browser on the Sony Vaio laptop seized from the defendant indicate that on January 21, 2012, a user added Jamaatshariat.com to the browser bookmarks.<sup>137</sup> The same logs also show at least one visit by a user of the laptop to Jamaatshariat.com.<sup>138</sup> A web page from Jamaatshariat.com discussing, among other things, the October 2002 Moscow theater hostage siege that was saved as a document file was recovered from a desktop computer that I understand the defendant to have accessed.<sup>139</sup>

- **Guraba.info**

The website Guraba.net was first made available to visitors in March 2008. By 2011, the site had gained at least one mirror web domain address, Guraba.info. According to the editors of the website, “After witnessing the plight of the Muslim Ummah, our group of Muslims—with trust in and guidance from Allah—decided to create an online resource in the Avar and Russian languages, thus making a modest contribution to the cause of spreading the faith and elevating the word of God.”<sup>140</sup> Aside from dozens of links and pages of content focusing on various detailed aspects of the conflict in the Caucasus, the website also offers a surprisingly diverse array of jihadi content in general—including a multi-part series on “Jihad – how to understand it, and how to practice it” by the former deputy commander of Al-Qaida in Iraq<sup>141</sup>; manuals on “tactical methods of jihad”<sup>142</sup>; sermons endorsing suicide bombings<sup>143</sup>; a translated fatwah endorsing the September 11, 2001 suicide hijackings<sup>144</sup>; official communiqués from the Taliban claiming military operations targeting U.S. forces in Afghanistan<sup>145</sup>; warnings about the “punishment for neglecting jihad in the cause of Allah”<sup>146</sup>; and, video

<sup>135</sup> <http://jamaatshariat.com/men/14-facty/545--2-0.html>. March 2010.

<sup>136</sup> <http://jamaatshariat.com/men/14-facty/545--2-0.html>. February 2012.

<sup>137</sup> 1B883-1R6\_SonyVaio/WD-

WXK1AA0W0137/1r6image/E/Users/Anzor/AppData/Roaming/Mozilla/Firefox/Profiles/8pz02ajt.default/places.sqlite/bookmarks (<http://jamaatshariat.com>)

<sup>138</sup> 1B883-1R6\_SonyVaio/WD-

WXK1AA0W0137/1r6image/E/Users/Anzor/AppData/Roaming/Mozilla/Firefox/Profiles/8pz02ajt.default/places.sqlite/moz\_places (<http://jamaatshariat.com>)

<sup>139</sup> И началась между нами и вами вражда и ненависть навсегда.docx (<http://jamaatshariat.com/men/14-facty/273-l--.html>)

<sup>140</sup> <http://www.kavkazchat.com/showthread.php?t=32465>. March 2008.

<sup>141</sup> <http://guraba.net/rus/content/view/821/45/>. June 2010.

<sup>142</sup> <http://guraba.net/rus/content/view/764/45/>. June 2010.

<sup>143</sup> <http://guraba.net/rus/content/blogsection/5/49/>. June 2010.

<sup>144</sup> <http://guraba.net/rus/content/view/559/47/>. June 2010.

<sup>145</sup> [http://www.guraba.info/index.php?option=com\\_content&view=article&id=1050:-26-&catid=28&Itemid=50](http://www.guraba.info/index.php?option=com_content&view=article&id=1050:-26-&catid=28&Itemid=50). April 2011.

<sup>146</sup> <http://guraba.net/rus/content/view/90/47/>. June 2010.



interviews with top leader of the Caucasus Emirate, Dokku Umarov, and with suicide bombers.<sup>147</sup>

Even in Russian-language, the explicit nature of the content provided via Guraba.net/Guraba.info eventually caused the website to run into major difficulties with its Internet hosting provider. In May 2011, the website posted an announcement from administrators acknowledging, “due to problems arising from the hosting provider our site has been suspended for some time.”<sup>148</sup> Software logs for the Google Chrome web browser on the Sony Vaio laptop seized from the defendant show a “shortcut” for “www.guraba.info” that was last accessed on March 2, 2011 (notably, just prior to the website going offline for terms of service violations).<sup>149</sup> A web page from Guraba.info first published on February 27, 2011 containing detailed Shariah judgements on various issues that was saved as an offline document file was likewise recovered from a desktop computer that I understand the defendant to have accessed.<sup>150</sup>

## V.) CONCLUSIONS

In attempting to understand the radicalization process that took place in the context of this case, it is important to consider clues offered by recovered evidence—and particularly the time-coded entries on the Sony Vaio laptop seized from the defendant. Six of the seven issues of AQAP’s “Inspire” Magazine found on the laptop appear to have been copied to its hard drive between August 2011 and January 2012—well over a year before the Boston Marathon bombings actually occurred. The same applies to much of the other jihadi-themed content found on the Vaio laptop. At-Tibyan Publication’s “Slicing Sword Against The One Who Forms Allegiances With The Disbelievers” appears to have been copied to the laptop on January 16, 2012. The same applies to Abdullah Azzam’s works “Join the Caravan”, “Defence of Muslim Lands”, and “A Message to Every Youth”—all three were saved to the hard drive on January 16, 2012. There is also evidence of sustained interest over an extended period of time in these stored materials. As previously noted in this report, the “Bi Jihadina” jihadi nasheed video on the Sony laptop—which file system records indicate was first created on the laptop on August 29, 2011—was last played by a computer user as recently as March 11, 2013.<sup>151</sup> The evidence does not show this to be a case of overnight radicalization or a rapid descent into extremism. Rather, the owner of the Sony laptop would appear to have had a lengthy and intimate exposure to a variety of terrorist propaganda and instructional materials printed in English well prior to any immediate planning for the Marathon bombings.

<sup>147</sup> <http://guraba.net/rus/content/blogsection/12/51/>. June 2010.

<sup>148</sup> <http://guraba.info>. May 2011.

<sup>149</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/AppData/Local/Google/Chrome/User Data/Default/Shortcuts (www.guraba.info)

<sup>150</sup> Извлечение пользы из послания Имама Газимухаммада Дагестанским округам.docx (<http://guraba.info/2011-02-27-17-48-45/21-islam/918-2011-06-01-21-46-20.html>)

<sup>151</sup> 1B883-1R6\_SonyVaio/WD-WXK1AA0W0137/1r6image/E/Users/Anzor/AppData/Roaming/Real/RealPlayer/History/[Nasheed] Bi Jihadina (English Transl....lnk

On June 3, 2013, Al-Qaida in the Arabian Peninsula released the much-anticipated eleventh issue of their notorious English-language online “Inspire” Magazine. As anticipated by many observers, AQAP took ample opportunity in the newly-released issue of “Inspire” to hail the Boston Marathon bombings and to heap praise on the alleged perpetrators, Tamerlan and Dzhokhar Tsarnaev. Mincing no words, the magazine’s editors wrote, “The Blessed Boston Bombings (BBB) have been an absolute success on all levels and domains... [The bombers] are the real worthy winners of the Boston Marathon.”<sup>152</sup> They characterized the bombers as “brilliant” and insisted, “yes, the brothers have been inspired by Inspire. This is not only because Inspire offers bomb recipes, but also because of the contents of the magazine as a whole.”<sup>153</sup> The magazine even included a full-page advertisement depicting Tamerlan Tsarnaev surrounded by birds in paradise, labeled with the sub-heading: “Tamerlan’s SMS to his mom: ‘My dear mom, I will lay down my life for Islam. I’m gonna die for Islam Inshaa Allah.’”<sup>154</sup>

In the pages of Inspire Magazine Issue #11, there are various messages directed at both the American people and those who might seek to follow in the footsteps of the Boston Marathon bombings. Amid a full-page photo of Boston sidewalks caked in blood, the magazine featured a new “Message to the American Nation” from senior AQAP commander Qassim ar-Rimi:

“O’ American nation... the Boston events... indicate that the control of your security has broken away and operations against you has taken a path which cannot be controlled. So grasp unto your selves if you love your selves. Because making these bombs has become in everyone’s hand reach. So those standing against your aggression... have a way out. They have this way and a bit of thinking, choosing a location which will damage your economy and terrify your hearts.”<sup>155</sup>

Separately, Inspire’s editors admonished, “Americans, you should understand this simple equation: as you kill you will be killed. The war is yet to cease, it has barely started. Yesterday it was Baghdad, today it is Boston... You should be asking, ‘Where is next?’”<sup>156</sup>

Turning to admirers of the brazen terror attacks in Boston, Inspire’s editors encourage them “to carry on with this way, be steadfast on this deen. Carry out your obligations, defend your religion, and follow in the footsteps of those who supported their religion and ummah whilst they are in their enemy’s den”:

“The work is easy and simple inshaAllah, at the same time it is very effective... The Boston Bombings have uncovered the capabilities of the Muslim youth, they have revealed the power of a Lone Jihad operation. And by the Will of Allah, future attacks

<sup>152</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue #11; June 3, 2013. <http://www.alfidaa.org/showthread.php?t=65103>.

<sup>153</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue #11; June 3, 2013. <http://www.alfidaa.org/showthread.php?t=65103>.

<sup>154</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue #11; June 3, 2013. <http://www.alfidaa.org/showthread.php?t=65103>.

<sup>155</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue #11; June 3, 2013. <http://www.alfidaa.org/showthread.php?t=65103>.

<sup>156</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue #11; June 3, 2013. <http://www.alfidaa.org/showthread.php?t=65103>.

will force the enemy to place his knees on a rough ground. So take things into your hands... explosions and assassinations, deaths and injuries.”<sup>157</sup>

The magazine suggested that other “lone wolf” jihadists should study the example of Boston and target “a group of American citizens gathered in a ceremony, sports event, or just surprising time and place”, including “bombing another Marathon Monday or the New York City Subway or any other soft target.”<sup>158</sup>

Subsequent AQAP publications have kept up the drumbeat of support for the Marathon bombings and the Tsarnaev brothers. An August 2014 online magazine titled, “Palestine: Betrayal of the Guilty Conscience” applauded the “5 killed, 270+ injured” at the Boston Marathon in retaliation for “America’s interference in the Muslim countries.”<sup>159</sup> It also boasted that the attack was “inspired by Inspire Magazine” and offered prayers for Jawhar Tsarnaev “may Allah hasten his release.” The Al-Malahem propaganda release also included a reprise copy of “Make a bomb in the kitchen of your Mom” with an attached note:

“The Pressure Cooker Bomb was successfully used by the Boston Brothers during the 2013 Boston Marathon. Dzokhar Tsarnaev (may Allah hasten his release) wrote regarding the motive for the Boston operation: ‘The U.S. Government is killing our innocent civilians, I can’t stand to see such evil go unpunished, we Muslims are one body, you hurt one you hurt us all.’”<sup>160</sup>

However, the impact of the Boston Marathon bombings in the jihadi community has gone far beyond merely the propaganda of Al-Qaida in the Arabian Peninsula. Another online, English-language magazine produced by affiliates of the Pakistani Taliban, “Azan Magazine” released their second issue on June 4, 2013, featuring a cover emblazoned with scenes from the aftermath of the Boston bombings under the garish headline, “You’ll Never Be Safe.”<sup>161</sup> A lengthy article in the magazine legitimized the attacks and praised the bombers effusively. According to the editors of “Azan”, “Mujahideen such as Muhammad Merah, Muhammad Atta and the 9/11 crew, Umar Farooq, Nidal Hassan, Faisal Shehzad, and now Dzokhar and Tamerlan Tsarnaev... preferred the glory of the Ummah to their own well-being and they shook off all shackles of unbelief right in the midst of the disbelievers and inflicted upon them a torment that they shall find hard to forget.”<sup>162</sup>

On September 12, 2013, Al-Qaida’s central leadership issued a new 9/11 anniversary recording from top commander Dr. Ayman al-Zawahiri, in which he prominently addressed the significance of the Marathon bombings. Al-Zawahiri mocked

<sup>157</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue #11; June 3, 2013. <http://www.alfidaa.org/showthread.php?t=65103>.

<sup>158</sup> Al-Malahem Media. Inspire Magazine. Al-Qaida in the Arabian Peninsula (AQAP). Issue #11; June 3, 2013. <http://www.alfidaa.org/showthread.php?t=65103>.

<sup>159</sup> Al-Malahem Media. “Palestine: Betrayal of the Guilty Conscience.” Al-Qaida in the Arabian Peninsula. <https://twitter.com/abduhalimgahed/status/500705129268387840>. August 16, 2014.

<sup>160</sup> Al-Malahem Media. “Palestine: Betrayal of the Guilty Conscience.” Al-Qaida in the Arabian Peninsula. <https://twitter.com/abduhalimgahed/status/500705129268387840>. August 16, 2014.

<sup>161</sup> Azan Magazine. Issue #2; April/May 2013. <http://www.jhuf.net/showthread.php?t=18126>.

<sup>162</sup> Azan Magazine. Issue #2; April/May 2013. <http://www.jhuf.net/showthread.php?t=18126>.



the response of U.S. President Barack Obama to “the flame of jihad taking off in America.”<sup>163</sup> According to al-Zawahiri:

“The Boston incident proves to the Americans the extent of their lies, self-deception, and arrogance in refusing to accept a truth that is clear as the sun—which is that they are not facing individuals, organizations or groups, but rather they are facing a rising Ummah, rising up to defend its souls, dignity, pride and capabilities. What the American regime refuses to accept is acknowledging that Al-Qaida is an ideology before being an organization, and the ideology is active and spreading by the grace of Allah, and the Islamic Ummah welcomed it.”<sup>164</sup>

Al-Zawahiri also expounded on his view of the benefits of targeting the United States with “lone wolf” terrorist attacks such as what occurred in Boston:

“We have to hemorrhage it economically by provoking it to spend incredibly on its security, as America’s weakness is its economy, which began dwindling from the bleeding in security and defense spending... we have to force America into a situation of stress and anticipation, and [not knowing] where will it receive the next attack. Keeping American stressed and anxious does not require huge effort, but scattered attacks here and there... We have to pursue it with this warfare to its homeland—and these scattered attacks could be carried out by one brothers or a small group of brothers.”<sup>165</sup>

There has also been an enthusiastic response from Al-Qaida supporters generally to the Boston bombings and the alleged culprits. Inspire Magazine #11 dedicated an entire page in the issue to merely reprinting messages endorsing the Boston bombings by independent English-speaking jihadists on Twitter.<sup>166</sup> Both Tamerlan and Dzhokhar Tsarnaev have been feted as courageous heroes in the extremist community for their alleged role in the bombings. Within days of the attack, messages of support and video mashups were posted on various top-tier jihadi social media forums, such as the Ansar al-Mujahideen (“Supporters of the Mujahideen”) forum, hailing the “lone wolves from the Heroic Battle of Boston.”<sup>167</sup> Thus, the two brothers have become the trademark faces of American homegrown terrorism in the propaganda and planning of jihadi extremists around the world.

<sup>163</sup> As-Sahab Media Foundation. “Ayman al-Zawahiri: Faith Defeats Arrogance.” <http://www.alfidaa.org/showthread.php?t=74988>. September 12, 2013.

<sup>164</sup> As-Sahab Media Foundation. “Ayman al-Zawahiri: Faith Defeats Arrogance.” <http://www.alfidaa.org/showthread.php?t=74988>. September 12, 2013.

<sup>165</sup> As-Sahab Media Foundation. “Ayman al-Zawahiri: Faith Defeats Arrogance.” <http://www.alfidaa.org/showthread.php?t=74988>. September 12, 2013.

<sup>166</sup> Al-Malahem Media. *Inspire Magazine*. Al-Qaida in the Arabian Peninsula (AQAP). Issue #11; June 3, 2013. <http://www.alfidaa.org/showthread.php?t=65103>.

<sup>167</sup> “Simple Gift to the Lone Wolves (Heroic Battle of Boston).” <http://www.ansar.com/vb/showthread.php?t=87340>. April 19, 2013.